

# **KICKING DOWN THE DOOR**

**The Use of Raids to Fight  
Trafficking in Persons**

**Sex Workers Project 2009**

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## ABOUT THE AUTHOR

This report was investigated and written by Melissa Ditmore, Ph.D., for the Sex Workers Project (SWP).

Using human rights and harm reduction approaches, the Sex Workers Project (SWP) works to protect and promote the rights of individuals who by choice, circumstance, or coercion engage in sex work. In addition to providing direct legal services to individual clients in criminal legal, immigration, and police misconduct matters, we conduct trainings for community organizations, outreach programs, and service providers working with trafficked persons and sex workers. SWP also engages in policy advocacy at the local, state, federal and international levels aimed at securing systemic change grounded in the experiences and concerns of our constituencies. Our direct service and human rights documentation work enables us to provide unique and critical information, analysis, and practical recommendations to policy makers, service providers, and the media concerning the human rights abuses faced by sex workers, trafficked persons, and individuals at risk of being profiled as such.

Sex Workers Project at the Urban Justice Center 2009.  
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## ACRONYMS

- ACLU** American Civil Liberties Union
- AUSA** Assistant United States Attorney, a lawyer representing the government in federal prosecutions
- CBO** community-based organization
- CP** Continued presence, a form of immigration status allowing individuals believed to be trafficked to remain in the US during criminal investigations and proceedings against their alleged traffickers
- CSW** Certified Social Worker
- DA** District Attorney, a state prosecutor
- DHS** Department of Homeland Security
- DOJ** Department of Justice
- DOL** Department of Labor
- ESL** English as a Second Language
- FBI** Federal Bureau of Investigation
- FBO** Faith-based organization
- GAATW** Global Alliance Against Traffic in Women
- GAO** Government Accountability Office
- HHS** Department of Health and Human Services
- ICE** Immigration and Customs Enforcement (formerly INS)
- IJM** International Justice Mission, an international non-governmental organization
- NGO** non-governmental organization
- OVC** Office for Victims of Crime, US Department of Justice
- PTSD** post-traumatic stress disorder, a psychiatric diagnosis
- TVPA** Trafficking and Violence Protection Act of 2000
- TVPRA** Trafficking Victims Protection Reauthorization Act
- USCCB** United States Conference of Catholic Bishops, a faith-based organization charged with exclusive distribution of HHS anti-trafficking grants to service providers
- VAWA** Violence Against Women Act
- WCRWC** Women's Commission on Refugee Women and Children

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## EXECUTIVE SUMMARY

Trafficking in persons refers to the transportation and compulsion of an individual into any form of labor through use of force, threats of force, fraud, or coercion, or debt bondage. In 2000, the US passed legislation recognizing “serious forms of trafficking” as “recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion” in all forms of labor, including, but not limited to, sex work, bringing domestic legislation in line with international standards governing trafficking in persons. (Trafficking Victims Protection Act, 2000; United Nations Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000)

Enforcement of federal anti-trafficking legislation has taken place in large part through anti-trafficking raids, conducted by federal law enforcement agents, and vice raids targeting prostitution conducted by local law enforcement agencies. Notwithstanding the broader reach of the current legislative definition of trafficking, US law enforcement agencies have been criticized for continuing to focus on trafficking into sex work to the exclusion of other widespread forms of trafficking. (Global Alliance Against Traffic in Women 2007: 239-241; Women’s Commission for Refugee Women and Children 2007) Indeed, the word “trafficking” primarily evokes images of women and children forced into sexual servitude in the popular imagination and, prior to 2000, anti-trafficking legislation focused exclusively on prostitution, based on the presumption that no woman would ever exchange sex for material gain without extreme coercion. In reality, trafficking occurs in a far broader range of sectors and types of work, including domestic work, agricultural labor, manufacturing and the service industries, and affects men as well as women and children.

This report summarizes the findings of a human rights documentation project conducted by the Sex Workers Project in 2007 and 2008 to explore the impacts and effectiveness of current anti-trafficking approaches in the US from a variety of perspectives. It is among the first efforts since the passage of the TVPA to give voice to the perspectives of trafficked persons and sex workers who have experienced anti-trafficking raids. A total of 46 people were interviewed for this report, including immigrant sex workers and trafficked persons who have experienced raids or otherwise had contact

with law enforcement, along with service providers, attorneys, and law enforcement personnel.

The data collected from this small to medium-sized sample is extremely rich, and suggests that vice raids conducted by local law enforcement agencies are an ineffective means of locating and identifying trafficked persons. Our research also reveals that vice raids and federal anti-trafficking raids are all too frequently accompanied by violations of the human rights of trafficked persons and sex workers alike, and can therefore be counterproductive to the underlying goals of anti-trafficking initiatives. Our findings suggest that a rights-based and “victim-centered” approach to trafficking in persons requires the development and promotion of alternate methods of identifying and protecting the rights of trafficked persons which prioritize the needs, agency, and self-determination of trafficking survivors. They also indicate that preventative approaches, which address the circumstances that facilitate trafficking in persons, should be pursued over law enforcement based responses.

## LEGAL FRAMEWORK

The passage of the Trafficking Victims Protection Act (TVPA) in 2000 created a legal framework for the prosecution of the crime of “trafficking in persons,” and provided for assistance to trafficked persons identified or “certified” as such by law enforcement or another government agency.

Under the TVPA there are two forms of temporary immigration relief available specifically to trafficking victims. Continued Presence (CP) is an interim status that can only be conferred by ICE on non-citizens whom law enforcement believes may be trafficking victims, allowing them to stay in the US pending criminal prosecution of their traffickers. This status is renewable after a year, and although it confers work authorization and certification for benefits from the Department of Health and Human Services (HHS), it does not lead to permanent immigration status. In contrast, the T Visa is a four-year temporary visa, which not only grants work authorization and certification for benefits, but also makes recipients eligible to apply for adjustment to permanent residency status after three years.<sup>1</sup> T visa recipients can also apply to have their close family members join them in the US. Certified trafficking victims are eligible for the same benefits and services as refugees and asylum

1. However, there are currently no regulations enabling T visa holders to adjust their immigration status. Draft regulations were only recently issued in December 2008.

seekers, and thus service programs are largely provided through HHS refugee resettlement programs.

Law enforcement raids have served as the US government's primary means of identifying victims of trafficking in persons. (US GAO 2006) However, law enforcement based approaches to trafficking have led to the identification of very few trafficked persons. (Meyer 2006) According to recently released draft federal regulations, as of December 2008, only 787 T visas total have been granted to trafficked persons since they became available—nowhere near the 5,000 visas available for trafficked persons annually. Meanwhile, in 2008 alone it appears that 483 people—more than half of the total number of T visas issued to date—were placed in immigration proceedings following anti-trafficking raids. (December 18, 2008 Press Release, Department of Homeland Security)

The failure of law enforcement raids to successfully locate, identify, and refer large numbers of trafficked persons to supportive services may result from the fact that they are driven by, and sometimes indistinguishable from, efforts to curb prostitution and other forms of sex work. Government funding streams reflect this conflation of trafficking with prostitution. Funding made available under the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005 focuses on “grants to state and local law enforcement to investigate and prosecute buyers of commercial sex.” (Global Alliance Against Traffic in Women 2007: 236-237; Women's Commission for Refugee Women and Children 2007:14) As a result, local law enforcement agencies have sought federal funding for “anti-trafficking task forces,” which, in theory, are made up of local and federal law enforcement personnel alongside social and legal service providers, but which in reality can simply be vice squads by another name. One study found that “some local task forces have focused exclusively on prostitution, making no distinction between prostitution and sex trafficking and not pursuing labor trafficking cases.” (Women's Commission for Refugee Women and Children 2007: 14) Not only does this approach severely limit the possibility of locating and identifying individuals trafficked into domestic, agricultural, and service sectors, but approaching situations where trafficked individuals may be found from a perspective that prioritizes policing of prostitution undermines the identification of trafficked persons.

Scholars and advocates suggest that another reason only a relatively small number of trafficking visas have been

issued to date may be that most immigrants are unaware of the existence of the services and assistance made available under TVPA, let alone how to access them. (Paz and Fry 2008; Women's Commission for Refugee Women and Children 2007: 12) Additionally, the current anti-immigrant climate and intensified immigration enforcement efforts may have rendered many trafficked persons fearful of coming forward to access such services even if they are aware of them.

What follows is a summary of our findings based on the experiences of trafficked persons and sex workers, law enforcement personnel, service providers and legal advocates with the US government's current approach to trafficking in persons, and in particular with raids-based responses.

## EXPERIENCES OF TRAFFICKED PERSONS

*“These raids are ugly and horrible. They ... bang on the door, they break the door, they come in with the guns out! In the beginning, it's frightening and upsetting. [Law enforcement] could do anything, you don't know what they are going to do. ... It's really horrible, sometimes if they are very angry, they don't let you get dressed. They take you in your work clothes. ... One never lets go of the fear. Being afraid never goes away. They provoke that.”*—Celia, arrested seven times by local police without being screened for trafficking

Fifteen immigrant women, all of whom were sex workers, trafficked persons, or both, were interviewed about their experiences with trafficking:

- 12 of the 15 women interviewed were sex workers, 3 were in domestic work or other sectors;
- Of the 12 sex workers interviewed, 9 self-identified as trafficked, and 11 were recognized by the US government as trafficked. One did not apply for status as a trafficked person;
- 12 of the 15 women interviewed self-identified as trafficked persons, and were trafficked into a variety of sectors including domestic work, sex work and other work;
- 14 of 15 women interviewed were recognized as trafficked by the US government and were seeking or benefiting from the services, assistance and immigration status afforded to certified victims of trafficking;
- All 14 women who were recognized as trafficked by the US government were cooperating or had cooperated with law enforcement to the extent



possible, including two women who did not self-identify as trafficked; and

- 6 of the 12 women in trafficking situations, left on their own, without law enforcement intervention, with the help of a colleague (a sex worker or someone else from their workplace) or an attorney whom they met through a colleague or friend.

Experiences with federal and local police raids:

- 7 of the 15 women had been picked up in federal anti-trafficking raids;
- 60%, or 9 of the 15 women, had been arrested in local police raids. The number of arrests by local police experienced by individual women ranged from one to ten. None had been identified as trafficked by local law enforcement following a raid, despite the fact that 7 of these 9 women self-identified as trafficked. Only 1 had been asked whether she was coerced into sex work following arrest by local law enforcement;
- Latinas experienced the greatest numbers of arrests, typically related to prostitution, followed by Asian women;
- 2 participants had experienced both federal anti-trafficking raids and local vice squad anti-prostitution raids;
- The 2 of 5 women who believed that they were trafficked and had done sex work were held in immigration detention for weeks before identifying themselves to law enforcement as trafficked; and
- One was jailed on a prostitution conviction after a raid until her defense attorney recognized that she might have been trafficked.

*“There were so many policemen; the whole house was filled with maybe 15 officers. I was in ‘the boss’ house.’ I didn’t know anything. I saw the auntie run so I ran too and as I was running a police officer struck me in the back of the head with the back of a gun and I fell to the floor and I passed out. . . . I had no idea they were police when they all broke in. The ones that came in were not wearing uniforms. When I woke up, then I saw people with uniforms. I was passed out for less than a minute. I was struck in the head really hard. I woke up because someone was picking me up. It was a female officer and she opened up my skirt and revealed my undergarments in front of everyone to see if I was hiding anything on me. I was scared, I didn’t even know what they wanted to do, at that point I would do whatever they said I was so frightened.”*—Jin, arrested following

a raid, convicted of prostitution, and sentenced to six months incarceration before being identified as trafficked by her defense attorney.

The women interviewed expressed a variety of opinions on the use of raids as an anti-trafficking tool and the role played by the raid in obtaining their freedom. Jin, who was arrested in a local police raid, said that she would eventually have left on her own, because she expected to be released by her trafficker two days after the raid in which she was arrested. Josefina, who was coerced into prostitution and was identified as trafficked as a result of a federal anti-trafficking raid, said that she would have left on her own if she had known of a safe place to go. Although Ofelia knew of no other way to escape her situation, she nevertheless described the raid and her subsequent detention as “terrible.” Another woman said that she would have preferred to leave her situation by leaving with a co-worker rather than being rounded up in a raid. The experiences of these women suggest that increasing awareness among sex workers and immigrant communities of resources available to trafficked people, including safe refuges, would go a long way to enabling them to leave coercive situations without the necessity and trauma of law enforcement intervention.

*“They were wearing guns and uniforms, and it made me very scared. They didn’t tell us anything. They treated us like criminals during the arrest and it was scary.”*  
—Lily, arrested by local law enforcement five times before being identified as trafficked following a federal anti-trafficking raid.

## LAW ENFORCEMENT PERSPECTIVES

Five federal law enforcement personnel were interviewed for this study, and described the procedures, positive outcomes, and challenges of anti-trafficking raids. Law enforcement personnel expressed mixed views as to the efficacy of raids as anti-trafficking tools.

*“The nature of the crime and the nature of the victims make raids not effective. What level of evidence do you need? You need a victim to be willing to open up and tell you . . . I don’t see raids being a consistently effective tool. The best situation is if you know there’s a problem.”*

Some law enforcement agents questioned the efficacy of raids.

- 4 of the 5 law enforcement officials interviewed had been on-site during raids; the fifth had worked with people rounded up in raids;

- 2 of the 5 were very critical of the use of raids based on their experience, noting that people who experience raids are often not good witnesses in subsequent anti-trafficking investigations and prosecutions because they are distrustful of law enforcement;
- 1 of the 5 believed raids produced both good and bad results;
- 2 spoke in favor of raids; and
- At least 1 law enforcement employee reported experiencing symptoms associated with secondary trauma.

Law enforcement personnel reported that raids were useful for:

- Locating and identifying witnesses for law enforcement efforts;
- Removing victims of abuse from terrible situations. In theory, they believed that raids lead to the delivery of services and assistance to trafficked persons; and
- Bringing down criminal networks.

However, law enforcement personnel described difficulties gaining the trust of people who had been victimized and who were subsequently detained after raids.

*“It’s such an overwhelming situation, and why would they trust us?”*

The perspectives of law enforcement officers interviewed differed from those of trafficking survivors and sex workers in that their primary focus was the successful initiation of criminal prosecutions and the willingness of trafficked persons to serve as witnesses. Nevertheless, they indicate that criminal justice procedures are less likely to be successful where trafficked persons are intimidated by law enforcement actions.

*“Raids don’t give victims enough chance to get mentally where they need to.”*

## SERVICE PROVIDER PERSPECTIVES

*“What ICE calls a rescue is barging into someone’s apartment at 6 a.m. and terrorizing them.”*

Service providers and attorneys identified issues arising from the fact that the use of raids to combat trafficking in persons is inherently not premised upon the needs of trafficked people, but rather on the goal of prosecution. They emphasized that raids are chaotic events during which the people directly targeted have little understanding of what is happening, and cited

trauma and detention as common consequences of raids upon people who had been trafficked. Service providers also noted that treatment during raids bears directly upon whether a person who has been detained will speak frankly about their experiences, or self-identify as having been coerced or otherwise abused.

*“The raids that I’m most familiar with have taken place in the wee hours of the morning, usually in a person’s home, not in their place of work, and it’s been really frightening. They initially believe it’s because they are undocumented, and then later, in the moment in high drama, they realize [that law enforcement agents] are after the victims because of prostitution, and then it becomes frightening because their families don’t know they were involved in prostitution. . . . Usually in the raids I’ve been told about the law enforcement officer playing tough before explaining that law enforcement believes the women are victims. One client described . . . that on the way to the station, an ICE agent said, ‘You shouldn’t be in this country anyway,’ and she said later, ‘How dare you! You have no idea how I got here!’ And she had been trafficked and had the feeling of humiliation and powerlessness.”*

Social workers and attorneys, and particularly those who have been present at or following a raid, spoke strongly against raids. All 26 service providers stated that:

- They did not receive referrals of trafficked persons as a result of local police vice raids, suggesting that such raids do not result in the identification of trafficked persons;
- Federal anti-trafficking raids can lead to the deportation of many people rounded up before they can be properly screened for trafficking;
- Law enforcement did not consistently follow up on trafficked persons’ willingness to cooperate with investigations or provide the necessary support for applications to adjust immigration status and for benefits and assistance;
- There does not appear to be a standard procedure for identifying trafficked persons following federal anti-trafficking raids or local law enforcement vice raids, leading to widely divergent treatment of people rounded up in such raids; and
- Law enforcement agents use interrogation techniques, including intimidation, that are entirely incompatible with an approach that prioritizes the needs of trafficked persons.

Additionally, 10 service providers reported that:

- Raids create circumstances facilitating police misconduct, including sexual misconduct, against trafficked persons.

*“By the time that we talked to any of the women in any of these cases, they had already been interrogated at least once if not more, and based on those interrogations, maybe a second or third, their entire future is determined. They aren’t informed about their rights in a way that a reasonable person would believe. I arrest you, handcuff you, fingerprint you, interrogate you and then tell you that you have these rights.”*

Social service providers described their clients experiencing symptoms of trauma after raids, and noted that, in addition, raids uproot trafficked persons from their communities, and can effectively render them homeless. Some people picked up in raids, especially people who earned living wages, experienced severe economic hardship as a result. Many trafficking survivors were alienated from law enforcement by their experiences of raids and did not speak about their situations. Others who were trafficked by their husbands or partners did not self-identify as trafficked persons following raids.

*“I have had prosecutors shout at my clients to try to bully them into cooperating. When you’re dealing with a teenager who has been repeatedly raped and impregnated by her trafficker, this is not the way to behave humanely.”*

In addition to expressing significant concerns regarding the effects of raids on trafficked persons, caseworkers and social workers described experiencing symptoms of secondary trauma related to their work with trafficked persons, and particularly with those who had been traumatized by their experiences in raids. These conditions contribute to high turnover and undermine service providers’ ability to adequately address their clients’ needs.

The trauma of raids and the requirement of subsequent cooperation with law enforcement have long-term effects on trafficked persons and people who do not self-identify as trafficked. Additionally, raids have ripple effects on immigrant communities and sex workers beyond those directly affected by law enforcement activity, increasing fear and driving sex work and undocumented people further underground and farther beyond reach of assistance, and making sex workers and immigrants less likely to turn to law enforcement when they experience violence or coercion.

## THE AFTERMATH OF RAIDS

Legal advocates and social service providers also identified a number of issues arising as a result of the US government’s requirement that trafficked persons cooperate with law enforcement in order to obtain services, benefits, and immigration status:

- The requirement to cooperate with law enforcement is often a burden on trafficked persons;
- There is no avenue for trafficked persons who are identified after a prosecution has been completed to access protections and assistance; and
- People who do not immediately cooperate with anti-trafficking prosecutions may be held for prolonged periods in immigration detention or as material witnesses.

All service providers and attorneys agreed that services should be offered to trafficked persons immediately after they are identified as such, without precondition. Indeed, a rights-based approach to trafficking would not make cooperation with prosecutions mandatory, nor would it permit the detention of people who have been victimized by trafficking under any circumstances.

## A BETTER MODEL

*“A better way to help leave my situation would be anything that didn’t involve the police.” —Jin*

Six of the women interviewed for this report who self-identified as trafficked left trafficking situations without the involvement of law enforcement. The women who left on their own subsequently approached law enforcement on their own behalf, and cooperated in the prosecution of their traffickers. Their experiences do not appear to be uncommon—in fact, service providers reported that the majority of trafficked persons who accessed their services were not identified as a result of raids. One supervisor with a national organization said, “Ninety percent of our cases are not from raids, not even law enforcement identified.” These experiences suggest that a different approach to locating and identifying trafficked persons, one based on meeting the needs, protecting the rights, and supporting the self-determination of trafficked persons, may prove to be a more effective response to trafficking in persons.

Such an approach could be led and implemented by people familiar with sex work and other sectors where trafficking is prevalent, such as domestic work, agricultural labor, and service sectors; individuals who

have experienced trafficking; social service providers; and immigrant rights advocates. Women interviewed for this report described being helped by people they knew, including clients and coworkers, who recognized that they were in coercive situations and stepped in to offer help. Because they left trafficking situations in a non-coercive fashion, avoiding the trauma associated with a law enforcement raid, they were more prepared to cooperate with law enforcement in the prosecution of their traffickers. Ultimately, an approach that recognizes and supports the rights, agency and self-determination of trafficked persons is likely to produce better outcomes for trafficking survivors.

The best outcomes for trafficked persons often do not arise from law enforcement actions. Although federal anti-trafficking raids have been implemented as part of a concentrated effort to identify and assist trafficked persons, such raids appear to have extremely mixed results in terms of effectively achieving these goals. It is also clear that local police raids that focus on prostitution venues are not at all effective in identifying trafficked persons, and can result in violations of the human rights of trafficked persons and sex workers alike. Moreover, conflation of trafficking and sex work diverts anti-trafficking resources away from trafficking in other labor sectors, including domestic work, agricultural labor, and service sectors, with no accompanying increase in the identification of trafficked persons. A significant number of trafficked persons are able to leave coercive situations without being subjected to the trauma of a law enforcement raid, with the help of a variety of actors, including friends and contacts in their communities, co-workers, clients, and other sex workers. This number could be further increased through initiatives aimed at increasing awareness of the benefits and services available to survivors of trafficking and at supporting immigrant communities, workers' rights advocates, and sex workers in the identification of trafficked persons.

## CONCLUSIONS

### **A LAW ENFORCEMENT CENTERED APPROACH IS INHERENTLY NOT "VICTIM-CENTERED"**

A law enforcement based approach to trafficking in persons prioritizes criminal justice proceedings over

the needs and rights of people who have been trafficked. It has also led to practices that violate the rights of people who have been trafficked, including use of excessive force, harassment and abuse, interrogation without an attorney present, and detention of trafficked persons. A rights-based and "victim-centered" approach would prioritize the rights, needs, healing, and agency of survivors of trafficking over criminal proceedings.

### **A RIGHTS-BASED APPROACH IS CRITICAL TO THE FULL RECOVERY OF TRAFFICKED PERSONS**

People who have been trafficked have lived through incredible hardship, abuse, and violations of their human rights. Current law enforcement approaches often sacrifice their wellbeing in favor of prioritizing criminal justice proceedings. Even trafficked persons who were ultimately removed from coercive situations by a raid spoke of being frightened, confined, and sometimes even bullied by law enforcement. It is critical that anti-trafficking measures put the needs of the people they are intended to protect first, by adopting approaches that recognize, center, and address the realities and experiences of trafficked people, respecting and protecting the rights of trafficked persons and their communities in investigations and criminal proceedings, facilitating immediate access to services and support, eliminating the use of threats of deportation to coerce cooperation, providing housing that does not feel like a detention center, and allowing trafficked persons to remain connected to their friends and family members during criminal proceedings.

### **IN MOST CASES LOCAL POLICE RAIDS DO NOT LEAD TO THE IDENTIFICATION OF TRAFFICKED PERSONS**

Seven of the trafficked women and two of the sex workers who did not identify as trafficked were arrested by local law enforcement at least once for prostitution. The number of arrests experienced by participants ranged from one to ten. Yet only one participant was ever screened for trafficking by local police, despite the existence of local task forces receiving federal funds to address trafficking.

The fact that 9 individuals subsequently identified as trafficked who participated in this study were

repeatedly arrested rather than protected highlights the failure of approaches that subsume and conflate anti-trafficking initiatives with policing and punishment of prostitution. Presumptions that all immigrant sex workers have been trafficked, and that sex workers who have not been trafficked must be punished, have led to the disproportionate allocation of anti-trafficking resources to local vice raids targeting prostitution venues. For the most part, such raids have not led to the identification of trafficked persons. Rather, in many instances, they have led to violations of the rights of trafficked persons and sex workers alike, and detention and punishment of the very people anti-trafficking initiatives are intended to protect. Moreover, these arrests alienated women from law enforcement, bolstering fears of US government agents instilled in them by traffickers, thereby making them less likely to come forward and identify themselves as trafficked or access services that would increase their self-sufficiency and decrease their vulnerability to abuse and coercion.

### **IN-DEPTH INVESTIGATIONS MAY BE MORE EFFECTIVE IN COMBATING TRAFFICKING**

Current anti-trafficking measures rely heavily on law enforcement raids of sex industry venues and the homes of immigrants to the US. However, interviews with law enforcement personnel, social service providers, attorneys, and trafficked persons demonstrate that raids are often accompanied by intimidation, verbal abuse, use of excessive force, sexual harassment, and abuse, and create high levels of fear among trafficked people, thereby impeding rather than facilitating evidence gathering for prosecutions. Indeed, raids often lead to the detention and deportation of trafficked persons who were afraid to come forward or who were not believed by law enforcement when they did, thereby removing key witnesses and terrorizing others into silence.

Where law enforcement has engaged in substantial investigation prior to approaching potential witnesses on a voluntary basis, trafficked persons are often more willing to cooperate with law enforcement, in part because they have not been subjected to the trauma of a raid. Based on the results of this study, it appears that detailed and in-depth federal investigations aimed at obtaining solid information about the existence of coercion or the involvement of minors in a range of labor sectors have been more successful at identifying trafficked persons

than raids indiscriminately targeting sex work venues and immigrant communities, and are less likely to result in violations of the rights of the very people anti-trafficking efforts are intended to protect. Federal anti-trafficking raids should be an intervention of last resort.

### **LEGAL AND SOCIAL SERVICES SHOULD BE MADE IMMEDIATELY AVAILABLE TO PEOPLE PICKED UP IN ANTI-TRAFFICKING RAIDS**

Immediate and unconditional provision of legal and social services to people detained in anti-trafficking, vice, and immigration raids is essential to facilitating the recovery of trafficked persons and facilitating their journey to self-sufficiency. To some degree, immediate access to legal and social services can also mitigate the trauma of raids and detention, and therefore increase the chances that people who have been trafficked will come forward. Immediate service provision requires that service providers be notified in advance that a raid will be conducted.

### **FAMILY REUNIFICATION IS A CRITICAL FACTOR**

People whose children are not in the care of trusted relatives or who are in another country are especially vulnerable to threats and manipulation by traffickers. Children and other family members who may be at substantial risk of retaliation after a trafficked person leaves a coercive situation or cooperates with law enforcement require protection. Anti-trafficking efforts must ensure that effective protection is provided to both trafficked persons who come forward and their family members, and should prioritize and facilitate family reunification if desired by individuals who have been trafficked.

### **LACK OF LEGAL MIGRATION OPTIONS RENDERS MIGRANT WORKERS VULNERABLE TO TRAFFICKING**

Inability to gain lawful entry into the United States due to restrictive immigration policies renders migrants seeking employment opportunities far more vulnerable to trafficking. Once in the US, trafficked persons' lack of immigration status is often used by traffickers as a further instrument of coercion, made all the more powerful by anti-immigrant sentiment and policies which deter trafficked persons from

seeking help from law enforcement. Ironically, anti-trafficking and vice raids play directly into these dynamics by confirming traffickers' threats that police are more likely to arrest and deport trafficked persons than to help them. Efforts to address the root causes and circumstances that facilitate trafficking, such as the economic impacts of globalization and the lack of opportunities for legal migration, are essential to the success of anti-trafficking initiatives.

## RECOMMENDATIONS

### Recommendations for the government

While there have been some successes, current US anti-trafficking policy is flawed in a number of ways. Anti-trafficking initiatives need to not only identify and hold traffickers accountable—the primary focus of current approaches—but also to fully respect and protect the persons, property and rights of people who have been trafficked. Above all, policy and practice must be designed and implemented so as to ensure that the process of combating trafficking does not itself lead to further violations of the human rights of trafficked persons.

#### WE RECOMMEND THAT THE US GOVERNMENT:

##### *Increase opportunities for legal migration to the US*

Restricted opportunities for legal migration create circumstances which increase vulnerability to trafficking and abusive labor conditions for migrants. Increased and intensified—and often abusive—immigration enforcement only strengthens the power of traffickers and unscrupulous employers over trafficked persons and immigrant workers. The threat of arrest and deportation not only serves as an additional weapon in the arsenal of traffickers and employers, it also strongly deters trafficked persons and immigrant workers from seeking help or protecting their rights.

##### *Ensure unconditional access to services and assistance to trafficked persons*

#### **Rescind the requirement that trafficked persons cooperate with law enforcement**

Currently, trafficked persons' access to services, benefits, and immigration status is conditional on cooperation with law enforcement investigations and

prosecutions of their traffickers. This mandatory condition denies benefits to trafficked persons fearful of cooperating due to risk of retaliation against themselves or their families, as well as to individuals whose traffickers are not investigated or prosecuted by law enforcement, and to trafficking survivors identified after their trafficker has already been prosecuted. It also transfers power over trafficked persons from traffickers to law enforcement agents, in whose sole discretion trafficking survivors' futures often lie. Removing the requirement that trafficking survivors cooperate with law enforcement in order to access benefits, services, and immigration status would center the rights, needs, agency, and self-determination of trafficking survivors, which ultimately would have the added benefit of increasing the likelihood of effective cooperation with law enforcement.

##### *Increase funding and eliminate conditions on federal funding to service providers*

The US government offers funding to organizations providing legal and social services to trafficked persons on condition that they agree to abide by certain conditions. Denying funds to organizations that are unwilling to sign on to the administration's mandatory anti-prostitution position has harmed anti-trafficking efforts and deprived people who have been trafficked of services and assistance by denying resources to organizations that are highly effective in combating trafficking and assisting trafficking survivors as part of a larger program of advocating for the rights of individuals working in the sex trades.

The needs of people who have been trafficked are best served by redirecting resources from expensive and resource-intensive law enforcement methods toward rights-based initiatives which prioritize the healing, empowerment, and self-sufficiency of trafficked persons. Funding for services meeting the immediate needs of trafficking survivors such as housing and benefits is particularly critical.

Service providers who have successfully assisted trafficked persons, immigrants and sex workers regularly receive referrals from former clients. Some providers report that a large percentage of the individuals they help came to them through such referrals, rather than through law enforcement. Such referrals demonstrate the long-term value of an approach that offers assistance, services and support without focusing on the priorities of the criminal justice system. Government resource allocation should

reflect this and prioritize services over high-visibility but more expensive and often counter-productive tactics such as raids.

***Allocate funds to organizations empowering immigrant communities and workers in informal economies***

People and organizations in immigrant communities are often keenly aware of trafficking issues, and are well-placed to identify, contact and assist victims. Similarly, individuals working in informal economies—sex work, day labor, sweatshops, etc.—have unique access to, and opportunities to recognize and assist, victims of trafficking. The opportunity to collaborate with these uniquely placed and knowledgeable groups is lost if their members are themselves under constant threat of arrest or deportation.

***Vigorously enforce labor laws***

Trafficking tends to occur in industries where labor violations are endemic, as well as in industries for which labor protections are limited, such as domestic work and agricultural labor. Trafficking often implicates violations of labor laws through wage and hour violations, withholding wages, non-payment of minimum wage, and debt bondage. Expanded coverage and heightened and widespread enforcement of labor laws is one promising alternative approach to trafficking in persons, which would have the added benefit of increased workplace protections for all workers.

***Prioritize family reunification for trafficked persons***

Fear for the safety of family members living abroad, especially children, discourages trafficked persons from speaking out about their situations. In many cases, trafficked persons have declined to come forward based on such fears. Family reunification should be facilitated and expedited in order to increase the safety and security of trafficked persons, their children and family members.

***Train immigration officials, judges, public defenders and prosecutors to identify trafficked persons***

So long as there remains a substantial likelihood that trafficked persons will be arrested or subject to immigration and deportation proceedings, it is essential that all players in the immigration and criminal justice systems receive training that will better enable them to identify trafficked persons and facilitate their access to programs designed to assist them.

## **Recommendations for law enforcement agencies**

### **WE RECOMMEND THAT LAW ENFORCEMENT AGENCIES:**

***Prioritize in-depth investigations and voluntary cooperation***

Not only are raids potentially dangerous and intensely traumatic for those involved, but they do not guarantee, and may often discourage, the cooperation of witnesses. They also frequently do not lead to the identification of trafficking victims, but rather to their arrest or deportation.

The information gathered for this report suggests that in-depth investigations which prioritize the rights, safety, needs, and voluntary participation of trafficked persons are more effective in identifying trafficking situations and victims, and should be prioritized over aggressive action such as raids. Such investigations are most critical where trafficked persons are held in isolated locations where they may be unable to access the support of co-workers and community members to leave coercive situations. Law enforcement agencies should cooperate closely with service providers to ensure trafficking survivors identified through such investigations immediate access to victim-advocates and social services. Protection for trafficked persons, as well as their family members and property, must be prioritized in law enforcement investigations. Raids should only be used as an option of last resort, and must respect and protect the rights of trafficked persons.

***Ensure that people with knowledge of trafficking situations are able to come forward without fear of arrest or removal***

Sex workers, immigrants, and trafficked persons are often the most successful at identifying victims of crime within their communities. Anti-trafficking efforts that are able to capitalize on their unique knowledge and access will be vastly more effective than those that do not. To make this possible, trafficked people who come forward—and those who assist them in coming forward—should be shielded from the threat of arrest or deportation for immigration violations, prostitution or sex work-related crimes.

### ***Recognize that vice raids are not effective anti-trafficking measures***

Experience has shown that the police and the criminal justice system are not effective in identifying and aiding victims of trafficking: in a number of cases, trafficked sex workers have been arrested multiple times without ever being identified as victims of trafficking. Training to recognize trafficking has not overcome the practice of arresting people in certain sectors, especially sex workers. Raids, arrest and detention have proven ineffective when it comes to giving trafficking victims access to the assistance and services they need.

### ***Follow through on necessary paperwork to facilitate legal status for trafficked persons***

Failure to complete documentation needed by trafficked persons in order to access services, benefits, and immigration status jeopardizes current cases that depend on the cooperation of the victim. Delays in providing necessary certification to individuals who have already cooperated with law enforcement feed and perpetuate distrust of law enforcement, potentially jeopardizing future cases.

### ***Work with attorneys, advocates and service providers to ensure the best outcome for trafficked persons***

Law enforcement agencies must work together with attorneys, advocates and service providers to ensure the best outcome for victims of trafficking. This is not only indispensable in order to guarantee the rights of victims, but it has proven to be in the long-term interests of anti-trafficking initiatives. The most effective prosecutions of traffickers have all involved attorneys and advocates working on behalf of trafficked persons at the earliest opportunity.

## **Recommendations for social service organizations and providers**

### **WE RECOMMEND THAT SOCIAL SERVICE ORGANIZATIONS AND PROVIDERS:**

#### ***Maintain a non-judgmental attitude***

Providers are most successful at connecting with and providing appropriate services to people who have been trafficked when they are able to maintain a non-judgmental attitude. This is of paramount importance in cases that involve coercion into criminalized or otherwise stigmatized activity, such as sex work. One service provider emphasized the importance of

recognizing both migrant rights and sex worker rights in light of the complexities and nuances of individual women's situations: some "women do choose to come here [to engage in sex work] and send money to their families" and it's important to "recognize the choices they've made," while at the same time recognizing that trafficking can exist "even if people know that they are going to be in prostitution and then [they experience] extreme coercion."

#### ***Provide respectful and appropriate services***

Ensure that services are offered in the language of the trafficked person's choice, and in a manner that fully respects, supports, and addresses their religious, cultural, spiritual, family and dietary choices, customs, practices and needs. Plan service provision in such a way as to be flexible and responsive to a diversity of needs and concerns rather than around a monolithic presumed experience.

#### ***Acknowledge the demands made upon caseworkers***

Working with victims of trafficking is intensely stressful. Organizations should recognize this and take appropriate measures, including making time for staff discussions about the challenges presented by work. They should also offer support for caseworkers and other staff who request it, for those who exhibit symptoms of secondary trauma, and for those who may be at risk for secondary trauma.

#### ***Supervise and support service providers***

Organizations should arrange for supervision of service providers through weekly hour-long sessions with a certified social worker (CSW), during which providers can both strategize around their clients' needs and process their own emotional reactions to their clients' experiences. Such sessions can also serve administrative functions: in addition to being therapeutic, they also give supervisors an opportunity to supervise and follow cases.



## KICKING DOWN THE DOOR: The Use of Raids to Fight Trafficking in Persons

### TRAFFICKING IN PERSONS

Trafficking in persons refers to the transportation and compulsion of an individual into any form of labor through use of force, threats of force, fraud, or coercion, or debt bondage. In 2000, the US passed legislation recognizing “serious forms of trafficking” as “recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion” in all forms of labor, including, but not limited to, sex work, bringing domestic legislation in line with international standards governing trafficking in persons. (Trafficking Victims Protection Act, 2000; United Nations Optional Protocol to Prevent Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000)

Enforcement of federal anti-trafficking legislation has taken place in large part through anti-trafficking raids, conducted by federal law enforcement agents, and vice raids targeting prostitution conducted by local law enforcement agencies. Notwithstanding the broader reach of the current legislative definition of trafficking, US law enforcement agencies have been criticized for continuing to focus on trafficking into sex work to the exclusion of other widespread forms of trafficking. (Global Alliance Against Traffic in Women 2007: 239-241; Women’s Commission for Refugee Women and Children 2007) Indeed the word “trafficking” primarily evokes images of women and children forced into sexual servitude in the popular imagination and, prior to 2000, anti-trafficking legislation focused exclusively on prostitution, based on the presumption that no woman would ever exchange sex for material gain without extreme coercion. In reality, trafficking occurs in a far broader range of sectors and types of work, including domestic work, agricultural labor, manufacturing and the service industries, and affects men as well as women and children.

This report summarizes the findings of a human rights documentation project conducted by the Sex Workers Project in 2007 and 2008 to explore the impacts and effectiveness of current anti-trafficking approaches in the US from a variety of perspectives. It is among the first efforts since the passage of the TVPA to give voice to the experiences and perspectives of trafficked persons and sex workers who have experienced anti-trafficking

raids. A total of 46 people were interviewed for this report, including immigrant sex workers and trafficked persons who have experienced raids or otherwise had contact with law enforcement, along with service providers, attorneys, and law enforcement personnel.

The data collected from this small to medium-sized sample is extremely rich, and suggests that vice raids conducted by local law enforcement agencies are an ineffective means of locating and identifying trafficked persons. Our research also reveals that vice raids and federal anti-trafficking raids are all too frequently accompanied by violations of the human rights of trafficked persons and sex workers alike, and can therefore be counterproductive to the underlying goals of anti-trafficking initiatives. Our findings suggest that a rights-based and “victim-centered” approach to trafficking in persons requires the development and promotion of alternate methods of identifying and protecting the rights of trafficked persons which prioritize the needs, agency, and self-determination of trafficking survivors. They also indicate that preventative approaches which address the circumstances that facilitate trafficking in persons should be pursued over law enforcement based responses.

### ANTI-TRAFFICKING AND ANTI-PROSTITUTION RAIDS

*“These raids are ugly and horrible. They find the women working, they bang on the door, they break the door, they come in with the guns out! In the beginning, it’s frightening and upsetting. [Law enforcement] could do anything, you don’t know what they are going to do. ... It’s really horrible, sometimes if they are very angry, they don’t let you get dressed. They take you in your work clothes. ... One never lets go of the fear. Being afraid never goes away. They provoke that.”—Celia, arrested seven times by local police without being screened for trafficking*

*“And the pictures were just horrible. There were of everyone in their underwear, on the floor, face down with the plastic handcuffs across their backs.”—Social service provider from the Midwest describing news coverage of anti-immigration and brothel raids*

*“It was 6 AM. They knocked at the door, I thought it was the landlady and I didn’t ask and I opened the door. It was dark in the hall and the flashlight was in my eyes, I was so scared, I didn’t know they were police, they didn’t say they were police and I tried to close the door and they pushed it open. ... Then I realized this is not a joke, we will have serious problems. ... I was thinking, the police! Now we’re doomed because the trafficker will kill us now!”* —Vida, trafficked from Eastern Europe

Law enforcement raids are modeled on military operations, and are currently used in a variety of contexts, including the “war on drugs” and immigration enforcement. (National Network for Immigrant and Refugee Rights 2008; Kraska 1999) They are also a primary method of addressing trafficking in persons and of policing sex work. Raids can be undertaken by a single agency or in cooperation with multiple agencies, including, but not limited to, local law enforcement, the Department of Justice (DOJ), the Federal Bureau of Investigation (FBI), and Immigration and Customs Enforcement (ICE). Increasingly, raids are simultaneously undertaken at multiple locations as part of large, coordinated operations.

This report focuses on anti-trafficking and anti-prostitution raids, which target the homes and workplaces of people suspected of trafficking, employing, or simply being undocumented immigrants or sex workers. While immigration raids may lead to contact between law enforcement and both trafficked persons and sex workers, their primary goal is immigration enforcement rather than addressing trafficking or sex work. Because the widespread and devastating impacts of immigration raids have been explored in considerable detail by numerous other researchers and organizations with greater experience and expertise in the field, this report focuses exclusively on anti-trafficking and anti-prostitution raids (See, e.g., National Network of Immigrant and Refugee Rights 2008; Iowa Coalition Against Sexual Assault and the Iowa Coalition Against Domestic Violence 2006; The National Immigration Law Center, ACLU of Southern California and ACLU Immigrants’ Rights Project 2007; Naamani-Goldman 2006; Lengel 2006; Meyer 2006; Molloy 2007; National Public Radio 2007; Paz and Fry 2008; Uchitelle 2007; Witness for Peace 2008). More information about immigration raids can be found in the above referenced reports and in Appendix A.

As these terms are used in this report, anti-trafficking raids are raids conducted by federal law enforcement agents which are ostensibly primarily aimed at disrupting trafficking activities, arresting traffickers, and identifying and assisting trafficked persons. In reality, more people have been deported for immigration violations in the aftermath of federal anti-trafficking raids than have been identified as eligible for trafficking-related services and assistance. Anti-prostitution raids are generally conducted by vice units of local law enforcement agencies, and have as their primary goal the policing and punishment of prostitution. Identifying people who have been trafficked can be a secondary goal of anti-prostitution vice raids.

During a raid, law enforcement agents enter a home or a workplace by force and without warning, typically pursuant to a warrant issued by a judge allowing them entry into specific premises without permission of the occupants. Raids typically occur in the early morning, at a time when most people are asleep, increasing confusion and disorientation. The raid’s targets may not speak or understand English, or may be unaware that a warrant grants law enforcement a right to enter their homes or workplaces. Raids are generally conducted by undercover officers or special units who do not wear regular police uniforms, which often causes confusion regarding who is entering the premises. Those targeted by raids may believe that any encounter with law enforcement will lead to deportation or jail, and may be unaware of their rights or of the availability of protections for trafficked persons. As a result, raids are often violent, traumatic and humiliating experiences.

People picked up in the course of a raid may be temporarily detained, arrested or placed in immigration detention. The actual outcome may depend upon which agency or agencies conducted the raid, what they expected to find, and what was actually discovered.

## **The Origins of Anti-trafficking Initiatives in the US**

The history of anti-trafficking and anti-prostitution initiatives in the United States sheds considerable light the evolution and basis of current anti-trafficking approaches.

It is an unfortunate truth that, in many respects, the US was founded on trafficking in persons, in the forms of chattel slavery and indentured servitude. In the aftermath of the US Civil War, the terms “white slavery” and trafficking began to be used to refer to the voluntary and involuntary prostitution of white women, rather than to the “ownership” of Black women, children and men by whites which defined chattel slavery, and which notably was routinely characterized by the involuntary sexual servitude of Black women. (Grittner 1990: 119) The ongoing existence of indentured servitude and trafficking into other forms of labor were notably absent from nineteenth and early twentieth century discourse around trafficking. According to legal historian Howard Brown Woolston “the term [“white slavery”] has been loosely applied to cover all phases of the traffic in women and made to include cases where the girls remain in the business not unwillingly, although unquestionably many of them are exploited and abused by those who derive profit from them. The latter meaning would extend the term white slavery to include practically the whole field of commercialized vice. In this sense the meaning is much broader than in which it is used in international agreements regulating the trade in women.” (1921)

Efforts to address “the traffic in women” in the US arose concurrently with the creation of the social service profession (Agustín 2007), which itself co-evolved alongside the professionalization of white middle-class women in the second half of the nineteenth century. Both were contemporary with urbanization in Europe, when many people left the countryside to seek work in factories as industry grew in the cities. (Connolly 1980: 124; Olsen 2001) Others left Europe to seek opportunities in the United States. Such migrations led to significant increases in the numbers of unattached women (and men) in urban populations, and to interactions across class and culture. Many women had little disposable income. “Treating,” in which a man paid for his female companion’s tickets and meals, may have been the only way for some unattached, unsupervised and underpaid young women to afford recreational pleasures such as the theater, amusement parks, and restaurants. Male benefactors sometimes expected to be repaid with sexual acts. In the late nineteenth and early twentieth centuries, women who engaged in “treating” were sometimes called “charity girls” and were an object of concern for moralists and purity crusaders. (Peiss

1984; Gilfoyle 1994) The formalization of efforts to control women’s sexual behavior and curb “promiscuity”—a euphemistic term used to describe all sexual conduct outside of heterosexual marriage—was a focus of some upper- and middle-class women. (Agustín 2007; Self 2003: 22-31), who assumed a mandate to protect women from “sexual danger,” which necessarily included engaging in prostitution. (Walkowitz 1992: 6)

Agustín describes “the rise of the social” (2007: 102) as the development of social service professions, employing white middle class women to essentially to tell working class people how to behave (104-105). The underlying premise was expressed overtly in the documents of the time: “The big sisters of the world [want the] chance to protect the little and weaker sisters, by surrounding them with the right laws for them to obey for their own good,” (Young Norton 1913: 5) In this way, the inception of social services can be viewed as a white middle class feminist project.

“Promiscuous” women were frequent targets of early social workers. Dubois and Gordon (1984: 38) described early twentieth century feminist efforts on behalf of other women in these terms: “The catch was that the prostitutes had to agree that they were victims. The ‘white slavery’ interpretation of prostitution—that prostitutes had been forced into the business—allowed feminists to see themselves as rescuers of slaves. But if the prostitutes were not contrite, or denied the immorality of their actions, they lost their claim to the aid and sympathy of the reformers.”

These social forces gave rise to the 1910 Mann Act, also known as the “White Slave Traffic Act,” which criminalized interstate transport of (predominantly white) women for the purpose of engaging in “immoral acts,” a concept that included, but was not limited to, the exchange of gifts and money for sexual acts. Prostitution *per se* was not distinguished in the contemporary sense of the word until laws explicitly criminalizing paid sex were enacted across the US after 1910. Part of the initiative for treating prostitution as a specific class of criminal activity to be repressed came from the law enforcement community. Prostitution was a focus of the FBI from its inception in 1908, and J. Edgar Hoover made his name in highly publicized anti-prostitution raids (Shantz 2006). “The FBI treated prostitution more severely as a criminal offense, raiding brothels and carrying out large-scale sweeps

and arrests of women suspected of prostitution. The FBI's efforts under Hoover, especially in the 1930s, played a significant part in the growing stigmatization of prostitutes in the United States. The criminal targeting of prostitutes by public officials, relayed in sensationalistic news accounts, altered the public perception of prostitutes as women drawn into the trade by social circumstances and encouraged instead a more punitive view that saw prostitutes as fringe or deviant members of society deserving of disdain." (Shantz 2006: 216)

Ultimately, current anti-trafficking discourse and debates around sex work reflect these historical trends. Sex workers are framed by law enforcement and the criminal legal system as either deviant criminals who must be punished, or as victims in need of rescue—by force if necessary. Both narratives continue to inform anti-trafficking initiatives, and particularly the use of raids as a primary anti-trafficking tool. As a result, the treatment of trafficked persons in the context of raids and subsequent criminal proceedings is often more consistent with punishment and coercion than respect for their rights and autonomy.

## Current anti-trafficking legislation

The passage of the Trafficking Victims Protection Act (TVPA) in 2000 created a legal framework for the prosecution of the crime of "trafficking in persons," and provided for assistance to trafficked persons identified or "certified" as such by law enforcement or another government agency.

Under the TVPA there are two forms of temporary immigration relief available specifically to trafficking victims. Continued Presence (CP) is an interim status that can only be conferred by ICE on non-citizens whom law enforcement believes may be trafficking victims, allowing them to stay in the US pending criminal prosecution of their traffickers. This status is renewable after a year, and although it confers work authorization and certification for benefits from the Department of Health and Human Services (HHS), it does not lead to permanent immigration status. In contrast, the T Visa is a four-year temporary visa, which not only grants work authorization and certification for benefits, but also makes recipients eligible to apply for adjustment to permanent residency status after three years.<sup>1</sup> T visa recipients can also apply to have their close family members join them in the US. Certified trafficking victims are eligible for

the same benefits and services as refugees and asylum seekers, and thus service programs are largely provided through HHS refugee resettlement programs.

Law enforcement raids have played a prominent role the US government's efforts to identify victims of trafficking in persons. (US GAO 2006) However, law enforcement based approaches to trafficking have led to the identification of very few trafficked persons. (Meyer 2006) According to recently released federal regulations, as of December 2008, only 787 T visas total have been granted to trafficked persons since they became available—nowhere near the 5,000 visas available for trafficked persons annually. Meanwhile, in 2008 alone it appears that 483 people—more than half as many as earned T visas to date—were placed in immigration proceedings following anti-trafficking raids. (December 18, 2008 Press Release, Department of Homeland Security)

The failure of law enforcement raids to successfully locate, identify, and refer large numbers of trafficked persons to supportive services may result from the fact that they are driven by, and sometimes indistinguishable from, efforts to curb prostitution and other forms of sex work. Government funding streams reflect this conflation of trafficking with prostitution. Funding made available under the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005 focuses on "grants to state and local law enforcement to investigate and prosecute buyers of commercial sex." (Global Alliance Against Traffic in Women 2007: 236-237; Women's Commission for Refugee Women and Children 2007:14) As a result, local law enforcement agencies have sought federal funding for "anti-trafficking task forces," which, in theory, are made up of local and federal law enforcement personnel, alongside social and legal service providers, but which in reality can simply be vice squads by another name. One study found that "some local task forces have focused exclusively on prostitution, making no distinction between prostitution and sex trafficking and not pursuing labor trafficking cases." (Women's Commission for Refugee Women and Children 2007: 14) Not only does this approach severely limit the possibility of locating and identifying individuals trafficked into domestic, agricultural, and service sectors, but approaching situations where trafficked individuals may be found from a perspective that

1. However, there are currently no regulations enabling T visa holders to adjust their immigration status. Draft regulations were only recently issued in December 2008.

prioritizes policing of prostitution undermines the identification of trafficked persons.

## **Slippery terms: “raid” and “rescue”**

The terms “raid” and “rescue” are frequently used to describe law enforcement actions responding to prostitution and trafficking in persons. While the word “raid” implies arresting perpetrators of crime to be punished and the word “rescue” implies removing someone from a dangerous situation, the words are often used interchangeably and no differences are intended. People “rescued” are often treated similarly to those who have been picked up in police raids. In Asia, the conflation of prostitution and trafficking by law enforcement and non-governmental organizations (NGOs) involved in carrying out raids is so complete that the term “rescue-raids” has come into widespread use, (Gupte et al 2007) and actors involved in raids/rescues acknowledge that the procedures and results are often identical. Holly Burkhalter, currently Vice President of Government Relations for International Justice Mission (IJM) a US-based, faith-based organization (FBO) that conducts brothel raids in Asia, wrote in *The Washington Post*, December 8, 2003, “There have been a handful of successful rescues in India, Cambodia and Thailand in which police have raided brothels and taken the younger girls to rehabilitation facilities. But most police raids on brothels have also resulted in the arrest and deportation of adult sex workers.”

## **Are raids an effective anti-trafficking tool?**

Media descriptions of raids typically present a simplified picture, in which law enforcement agents are heroes, and the people rounded up are either criminals to be punished or victims in need of rescue. The truth is, of course, far more complex.

Raids do sometimes lead to people being removed from coercive situations, but this is not the only possible outcome. There is limited research on the efficacy of US vice and anti-trafficking raids, and even less information concerning their impacts on people who have been trafficked. This report represents an initial effort address this information gap. What information does exist on the effects of raids comes from other countries. Evaluations of anti-trafficking raids conducted abroad overwhelmingly report adverse effects on the individuals they are intended to “rescue.”

Raids frequently, even typically, lead to detention of people who have been trafficked. (Ditmore 2007; Pornpit 2004; Empower 2005, Gupte et al 2007; Shan Women’s Action Network 2003) Sex workers in Bangladesh describe being rounded up and detained at the Vagrants Home, the equivalent of a secure detention center, where they experience violence, rape and abuse (Ditmore 2007; Haque and Islam 1999). Sex workers in India and Thailand reported being detained by NGOs operating with US federal funds. (Gupte et al 2007; Empower 2005; Shan Women’s Action Network 2003). In Thailand and Cambodia, sex workers raided and detained by IJM, an international NGO, were held under conditions that led many of the women to escape, “some by knotting bed-sheets together to escape from a room on the second-floor”—a clear indication that they did not perceive themselves to have been “rescued.” (Kazmin 2004; Jones 2003)

Decisions regarding the handling of people rounded up in raids may be made by individuals unqualified to make such determinations, with disastrous results. For instance, following a brothel raid conducted in Sangli, India in 2006, 35 women were detained because someone with the raiding organization, US faith-based organization Restore International, thought that they looked like minors. Prostitution of a minor is illegal in India, while prostitution by adults is not. In fact, only four of the people present were minors: the other women were of majority and were thus illegally detained by the US-funded faith-based organization. Two of the minors detained were not involved in prostitution themselves, but were visiting their parents on leave from boarding school. The case received so much press that one of the two decided not to return to school because of the humiliation that resulted from the media coverage of this case.

Raids also expose those involved to violence or coercion by law enforcement agents. A representative of an FBO that conducts brothel raids in Asia admitted in an information-sharing meeting on anti-trafficking strategies held in fall 2006 that if representatives of the organization do not accompany law enforcement on raids, police will extort money or sex from the women in exchange for their freedom<sup>2</sup>—a practice that has also been documented in the US. (Amnesty 2005; Ritchie 2006). This demonstrates that, at least on some occasions, raids expose those they are intended to “rescue” to the predations of police. And

2. Documentation on file with the Sex Workers Project.

police are not the only participants in raids who have been reported to engage in abuses of trafficked people: during a raid in Sangli, India, a decoy client employed by a US-funded, US-based evangelical organization sexually assaulted a minor (Gupte et al 2007).

Even where raids do not result in abuses or arbitrary detention of people rounded up, their execution is often faulty and preparation poor. As a result, the needs of the people caught up in raids are often not fully taken into account. For instance, raids in northern Thailand were marked by the absence of any provision for translators able to communicate with Burmese speakers (Shan Women's Action Network 2003). Sex workers and trafficked persons alike often include migrants and members of minority language communities, making provision of translators indispensable—a detail that is often overlooked in planning raids.

In addition to concerns about trafficking in persons, public health concerns are often offered up as justifications for vice raids in the US and around the world. However, they too often fail to stand up to close scrutiny. For instance, anthropologist Patty Kelly questions the purpose and efficacy of raids in a large Mexican city, writing, “while the city’s response to unregulated prostitution is purportedly motivated by concern for public health and social hygiene, the raids against street workers do not serve this purpose. Sex workers detained by the authorities are given neither information (discussion, pamphlets, etc.) nor the means (condom distribution) to protect themselves.” (Kelly 2008: 67) Rather, according to Kelly, raids serve the purpose of reinforcing existing gendered power relations: “The raids on clandestine prostitutes and the control of prostitution in general are expressions of power that reinforce already existing inequalities of gender and class. ... It is a way to harass poor women and men through detention and the gathering of information, and to create the illusion of the control of visible prostitution by the state....” (Kelly 2008: 62)

While these conclusions are drawn from foreign case studies, they are instructive in evaluating the impacts and effectiveness of raids as an anti-trafficking tool in the US.

US anti-trafficking strategies, like those adopted in Asia, focus on sex trafficking and neglect equally significant forms of trafficking into other labor sectors. This approach is influenced in large part by the historical equation of trafficking in persons with prostitution, and

is premised on faulty data. A 2006 Government Accountability Office (GAO) report on anti-trafficking spending found that existing estimates of the number of people trafficked into any kind of work, including sex work, were doubtful: “The accuracy of the estimates is in doubt because of methodological weaknesses, gaps in data, and numerical discrepancies. For example, the US government’s estimate was developed by one person who did not document all his work....” (US GAO 2006: 2)

The US focus on trafficking into sex work to the exclusion of trafficking into other sectors has been roundly criticized by anti-trafficking experts. (GAATW 2007: 239-241) As stated by the Women’s Commission for Refugee Women and Children (WCRWC) “Another issue throwing trafficking protections off balance is the United States’ policy which focuses government trafficking efforts on eradicating prostitution, which it conflates with sex trafficking. Efforts at addressing contributing factors to trafficking are laudable but should not be pursued to the exclusion of other efforts. There is a need for immigration and labor reform that would yield dramatic results in protections for trafficked and exploited persons in the informal economy.” (2007: 6)

The federal government’s near-exclusive focus on trafficking into sex work is replicated by local anti-trafficking task forces throughout the US. Since 2006, the Department of Justice has provided funding to 42 multi-agency law enforcement task forces to identify and respond to human trafficking incidents in local communities. (Farrell et al 2008: 90-91) The Institute on Race and Justice at Northeastern University’s assessment of local law enforcement response to trafficking across the United States, commissioned by the National Institute of Justice, found that two out of the three local task forces that were the subject of case studies focused exclusively on trafficking into commercial sex, and that neglect of trafficking into other labor sectors led to discord among task force members. Ultimately, some service organizations left the task forces based on the failure to consider or address trafficking for labor. (Farrell et al 2008: 98-100) The Northeastern University report concluded that “[l]ocal law enforcement may not see circumstances of exploitive labor, even those involving force, fraud or coercion, as a crime.” (Farrell et al 2008: 117) Northeastern University researchers also noted that law enforcement attitudes toward immigrants and sex work adversely impacted anti-trafficking efforts. “Effectively responding to human trafficking

requires local law enforcement officers to recognize potential victimization and provide services to victims who may have been historically under-served by or had poor relationships with law enforcement (e.g., migrants, immigrant community member [sic], and poor women and girls. Law enforcement may also be reluctant to intervene in sex and labor trafficking situations due to a belief that victims were complicit with their own victimization.” (Farrell et al 2008: 111) Additionally, their study found that local law enforcement officers reported a person’s affect, particularly fear and lack of cooperation with law enforcement, to be the single strongest indicator of whether a person had been trafficked. (Farrell et al 2008: 76) However, fear and reluctance to cooperate were also the single greatest obstacle to identifying a trafficked person reported by law enforcement. (Farrell et al 2008: 82-83) Law enforcement and public attitudes toward immigrants and sex workers only further fuel these fears and increase reluctance to come forward to law enforcement, thereby undermining rather than promoting identification of trafficked persons following law enforcement interventions.

Overall, existing research from the US and other countries places the efficacy of current US anti-trafficking approaches, and particularly the use of raids, into serious question. Moreover, it strongly suggests that, rather than protecting the rights and meeting the needs of individuals who have been subject to abuse and coercion, law enforcement based responses to trafficking in persons can lead to further violations of their human rights. Our findings, based on interviews with people who have experienced anti-trafficking and vice raids, along with law enforcement officials and service providers, provide further support for these conclusions.

## METHODS

A total of 46 people were interviewed for this report, including immigrant sex workers and trafficked persons who have experienced raids or otherwise had contact with law enforcement, along with service providers, attorneys, and law enforcement personnel. The data collected from this small to medium-sized sample is extremely rich, and represents one the first efforts since the passage of the TVPA to give voice to the experiences and perspectives of trafficked persons and sex workers who have experienced anti-trafficking raids.

Interview protocols used to collect the data summarized in this report can be found in Appendices B, C and D.

## IN-DEPTH INTERVIEWS WITH TRAFFICKED PERSONS AND SEX WORKERS WHO HAVE EXPERIENCED LAW ENFORCEMENT OPERATIONS IN THE US

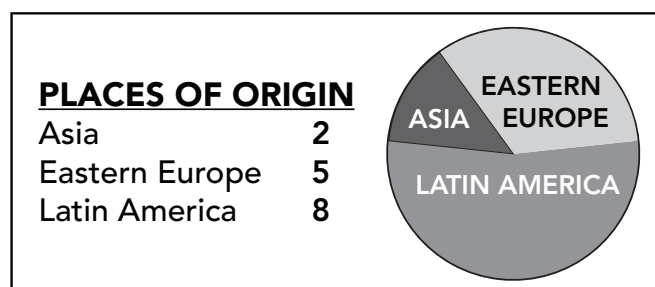
Fifteen women who experienced law enforcement operations relating to trafficking in persons or sex work were interviewed in New York City. Participants were recruited among immigrant sex workers and trafficked persons, as these populations were most likely to have experienced law enforcement interventions relating to trafficking in persons, and were referred to researchers by two New York City-based social service agencies and one sex worker organization. Some had lived or now live in other parts of the US. One participant has since returned to her native country. The identities of all individuals interviewed for this report were protected. All names used in this report are pseudonyms.

Of the 15 participants, 12 had engaged in sex work, working in venues including, but not limited, to brothels, strip clubs and massage parlors. Seven of the 12 had engaged in sex work before coming to the US, 5 in prostitution and 2 as exotic dancers. Some were in coercive situations before entering the US and some were not. In the US, 2 worked in the legal sex industry, one as a dancer, the other in a venue for sadomasochistic play in which no illegal conduct occurred.

Three of the 15 participants were employed in other sectors, including domestic work.

Fourteen of 15 participants had been recognized by the US government as trafficked at the time of the interview.

The women interviewed for this report immigrated to the US from Asia (2), Eastern Europe (5) and Latin America (8).



Participants from Eastern Europe and Asia entered the US by air using their own documentation or falsified documents that were obtained for them. Participants from Latin America crossed the border clandestinely,

avoiding immigration checkpoints, typically with the assistance of a smuggler.

Participants were between 22 and 44 years of age at the time of interview, with the majority in their late 20s. Participants were between the ages of 18 and 42 when they came to the US, with the majority immigrating in their 20s. Most participants were recent immigrants, having come to the US within the past 2 to 5 years.

Participants who had engaged in sex work had started doing so between the ages of 15 and 26. Two participants were under 18—15 and 17—when they began doing sex work. Average age at last arrest was 27, and ranged from 18 to 43.

All 8 Latinas interviewed worked in brothels, and some also went on outcalls or traveled in order to work in a variety of locations. Both Asian participants worked in illegal massage parlors and brothels. Two of the Eastern European women who participated in this study worked in prostitution and legal sex work, and 3 were trafficked into other types of labor. One of the two women working in legal aspects of the sex industry (not in prostitution but in other sex work venues including strip clubs) was nevertheless arrested in a local police anti-prostitution raid at her workplace.

Law enforcement operations described by participants took place in three major cities in the continental US. During interviews it became clear that participants were not always aware of which agencies were involved, the distinctions between local and federal law enforcement, or of the purpose of the raid. In order to clarify this information, follow-up interviews were conducted with their attorneys in order to confirm the type of raid they experienced and to attempt to identify the law enforcement agencies involved.

After leaving or escaping trafficking situations, some participants continued to work in brothels. Those who left sex work were employed in unskilled labor, including factory and domestic work. The Eastern Europeans were able to work in fields related either to their professional training or in semi-skilled but poorly paid labor such as home attendants, health aides and retail employment.

## **IN-DEPTH INTERVIEWS WITH SERVICE PROVIDERS AND ATTORNEYS**

Twenty-six attorneys and social service providers, including social workers and case managers working with

trafficked persons, from 18 agencies with 14 locations in 7 states in the Northeast, Southeast, Southwest, Midwest, on the West Coast and in Washington, DC were interviewed in person and by telephone. Services provided by these participants included legal assistance, housing and job placement, translation, and other supportive services. While the majority of service providers and attorneys worked exclusively with trafficked persons, five of 26 worked with all sex workers, whether they entered the sex trades by choice, circumstance or coercion.

## **INTERVIEWS WITH LAW ENFORCEMENT PERSONNEL**

Five federal law enforcement personnel from around the country were interviewed anonymously. The term “law enforcement personnel” refers to individuals employed in a number of roles, including police officers, federal law enforcement agents, district attorneys and US attorneys, and is used to protect the identities of those who agreed to be interviewed for this report. Two people in law enforcement whom we approached declined to be interviewed, and both indicated that no one in their departments would be permitted to participate in this study.

## **LIMITATIONS**

The samples for this study are small: 15 immigrant women who had been trafficked or were working in the sex industry; 26 social, health and legal service providers; and 5 law enforcement personnel were interviewed. Nevertheless, these interviews produced remarkably rich data, offering experiences and insights from stakeholders whose perspectives on current US approaches to trafficking in persons have not previously been investigated in this manner.

Although their experiences and perspectives are also critical to any evaluation of the impacts and effectiveness of current anti-trafficking initiatives, unfortunately researchers were unable to obtain access to individuals who had been deported after having been rounded up in anti-trafficking and anti-prostitution vice raids. This population is far greater in number than those who receive benefits and services through anti-trafficking programs, and documentation of their experiences of anti-trafficking interventions represents a fruitful area for future research by organizations with access to people detained in immigration custody pending removal from the US.



## FINDINGS

### SEX WORKERS' AND TRAFFICKED PERSONS' EXPERIENCES OF RAIDS

Fifteen immigrant women, all of whom were sex workers, trafficked persons, or both, participated in this study:

- 12 of the 15 women interviewed were sex workers, 3 were in domestic work or other sectors;
- Of the 12 sex workers interviewed, 9 self-identified as trafficked, and 11 were recognized by the US government as trafficked. One did not apply for status as a trafficked person;
- 12 of the 15 women interviewed self-identified as trafficked persons, and were trafficked into a variety of sectors including domestic work, sex work and other work;
- 14 of 15 women interviewed were recognized as trafficked by the US government and were seeking or benefiting from the services, assistance and immigration status afforded to certified victims of trafficking;
- All 14 women who were recognized as trafficked by the US government were cooperating or had cooperated with law enforcement to the extent possible, including two women who did not self-identify as trafficked; and
- 6 of the 12 women in trafficking situations, left on their own, without law enforcement intervention, with the help of a colleague (a sex worker or someone else from their workplace) or an attorney whom they met through a colleague or friend.

Experiences with federal and local police raids:

- 7 of the 15 women, had been picked up in federal anti-trafficking raids;
- 60%, or 9 of the 15 women, had been arrested in local police raids. The number of arrests by local police experienced by individual women ranged from one to ten. None had been identified as trafficked by local law enforcement following a raid, despite the fact that 7 of these 9 women self-identified as trafficked. Only 1 had been asked whether she was coerced into sex work following arrest by local law enforcement;
- Latinas experienced the greatest numbers of arrests, typically related to prostitution, followed by Asian women;

- 2 participants had experienced both federal anti-trafficking raids and local vice squad anti-prostitution raids;
- 5 of the 7 women picked up in federal anti-trafficking raids believed that they had been trafficked;
- 3 of the 5 who believed that they had been trafficked at the time of their experience with a federal raid were not involved in sex work;
- The 2 of 5 women who believed that they were trafficked and had done sex work were held in immigration detention for weeks before identifying themselves to law enforcement as trafficked; and
- One was jailed on a prostitution conviction after a raid until her defense attorney recognized that she might have been trafficked.

Overall, participants reported that raids are chaotic and often traumatic events which left them frightened and confused, with no sense of what was happening or would happen to them. They made it quite clear that they did not understand who was conducting the raid (other than government agents), what its purpose was (other than to arrest and deport them) or what the outcome might be.

The women interviewed expressed a variety of opinions on the use of raids as an anti-trafficking tool and the role played by the raid in obtaining their freedom. Participants who did not self-identify as trafficked uniformly objected to the raids. Many who were identified as trafficked resented their experiences during raids. Jin, who was arrested in a local police raid, expressed anger at having been pistol-whipped, and said that she would eventually have left on her own, because she expected to be released by her trafficker within days of the raid in which she was arrested. Josefina, who was coerced into prostitution and was identified as trafficked as a result of a federal anti-trafficking raid, said that she would have left on her own if she had known of a safe place to go. Although Ofelia knew of no other way to escape her situation, she nevertheless described the raid and her subsequent detention as “terrible.” Another woman said that she would have preferred to leave her situation by leaving with a co-worker rather than being rounded up in a raid. These experiences suggest that increasing awareness among sex workers and immigrant communities of resources available to trafficked people, including safe refuges, would go a long way to enabling people who

have been trafficked to leave coercive situations without the necessity and trauma of law enforcement intervention.

Three women who were not trafficked into sex work, but rather into other labor sectors, including domestic and other home-based work, faced severe isolation. Such isolated workplaces present specific challenges to anti-trafficking efforts. Tatiana said, “Everyone I knew was in the same situation.” Zora said, “There was no one to help us.” These women were located, removed from their coercive circumstances, and recognized as trafficked persons after federal raids following in-depth investigations. Vida described the raid as frightening and reported that she experienced disrespectful treatment, but expressed that she appreciated the benefits and immigration status offered to certified victims of trafficking.

While these three women—who, notably, were not trafficked into sex work, but rather into other labor sectors that are not the focus of current anti-trafficking initiatives—could not conceive of any other way they would have been able to leave their coercive situations, the method used—a law enforcement raid—did come at a cost to the trafficked women involved. Alternate methods of locating and identifying trafficked people in isolated workplaces such as private homes could include increasing and closely monitoring labor protections for domestic workers, increasing awareness of protections available to even undocumented trafficked persons, and empowering immigrant communities to identify and intervene in trafficking situations. Such approaches could lead to similarly positive outcomes without the violations of the rights and dignity of trafficked persons which can accompany a raid.

Two other participants were taken in for questioning after two law enforcement agents knocked on their doors as part of an in-depth investigation into suspected trafficking. Based on the women’s descriptions of events, this approach appeared to be a far less chaotic and have fewer traumatic impacts on people who have been trafficked than a full-on raid. Indeed, one of the women contrasted this experience positively with an anti-prostitution raid she had experienced. However, the law enforcement agents questioned the women involved without an attorney present. Nevertheless, these two experiences suggest that, should law enforcement intervention be required as a measure of last resort, raids should be supplanted with in-depth investigations in

which the cooperation of trafficked persons is voluntary and their rights are fully protected.

What follows are summaries of the full interviews conducted with study participants. Their descriptions of their experiences with anti-trafficking and vice raids highlight the gaps between the criminal justice approach to trafficking in persons and prostitution and a rights-based approach that puts the needs of the people affected before prosecutorial priorities. In the experiences of the people that we interviewed, raids led to violations of their human rights, and local police raids did not lead to assistance for people who had been victimized.

## IN THEIR OWN VOICES

### MARTA

Marta, who never believed that she had been forced or coerced into prostitution, described what happened during her only interaction with law enforcement, a federal anti-trafficking raid, as follows:

*“They were men [government agents] dressed in regular clothing, but their cars had lights, so I knew they were law enforcement . . . I was going in a van, and it was nighttime. We passed this car that was just sitting there, wasn’t moving. It was a police car. Once we passed it, the lights went on, and another set of police came in front of the van, trapping the van between the two police cars. I don’t know if they were waiting for the van specifically. They put a spotlight on the van, maybe it was flashlights, because there were many women in the van. There were six or seven of us. They approached the driver and asked for his ID and documents and asked for the door to the back to be opened (where most of the people were sitting). Then they asked us if we had papers or if we were illegal. We all answered that we did not have papers. They cuffed the driver and the woman sitting in front with him. I didn’t know at the time if it was federal agents or local police. Now, I think they were federal agents. They asked general questions to the group. One of the police got into the driver’s part of the car and drove them. They drove us to a place with a lot of computers and they took our fingerprints and our pictures.*

*“They asked me for the money I was carrying at the time and took my cell phone and jewelry (watch and earrings) from me. I thought that this is it—they will send me back, but this is not the way it worked!*

*“After taking our things, they had us go separately one by one to a separate room to check to see that we did*

*not have money in our bra or in our pants. Two women did the checking. So once they took off our jewelry, and took our pictures and fingerprints, they put us all in a room together and told us they were not going to take us to a jail. They were going to take us to a hotel instead and ask us a few questions.”*

*“They had us there [in the first place] all night long, for about 10 hours, and I arrived at the hotel. There were 50 more of us brought for questioning there at the hotel. I don’t know where the other women came from. I was there for a week. I think the questioners were federal agents because one man was from Washington.*

*“The place was not a jail. It was a hotel, but in the hotel, we were closed in for a week, and couldn’t leave ... we couldn’t do anything. Then I went to a shelter for women. After about a week ... I was worried about myself—my future, what was going to happen. ... [I felt] bad. Very stressful. I had headaches. It’s kind of difficult to talk about, because I felt a lot of stress. I had a lot of headaches. It made me feel like I wanted to cry. I didn’t want to eat.*

**“I was scared to go to the interview room, because they told us that if we did not answer things well, they were going to haul us off to jail or punish us.”**

*“When were in the hotel being interviewed, there were insults. I had to tell them how I got here, that I had come here on foot, and explain again, once I’d already done it, and they didn’t believe me. Then after all that began the insults. Then they started to generalize, saying that you guys come to this country muertas de hambre [pitifully poor people, literally “dying of hunger”]—it is a term that in Mexico is not a pretty thing to say about someone. It means that we come to take something that this country has. They were angry in their tone, demanding a lot of things. [One particular agent] stands out because he was the one yelling at us most. All of them though, there was a doubt or demand when they spoke to us. They wanted me to tell the story, but every time I did, they said it was lies.*

*“I was scared to go to the interview room, because they told us that if we did not answer things well, they were going to haul us off to jail or punish us. Yeah, [I did believe them]—they had me in the hotel, so I figured in the moment that was a distinct possibility, or something that could happen. I was afraid of going to jail.”*

**“I would say to listen to the women, because some people do it out of necessity—some people are forced to work in prostitution, but there are others who are not. When I say for necessity, I mean that here are those of us who have nothing in our country, and we do it to get a little house, or buy a piece of land, and it can be the easiest way to achieve that.”**

About the policing of sex work, Marta said,

*“Prostitution is something that is the decision of the person who’s in it, until they decide to leave it. If someone wants to stop working, all they have to do is not go to work, but if someone wants to continue to work, you should be able to. Each person should be able to come to that decision.”*

She added,

*“I would say to listen to the women, because some people do it out of necessity—some people are forced to work in prostitution, but there are others who are not. When I say for necessity, I mean that here are those of us who have nothing in our country, and we do it to get a little house, or buy a piece of land, and it can be the easiest way to achieve that.”*

## JIN

Jin was looking for inexpensive accommodation, was offered a cheap place, and accepted. But when she arrived, she was forced into prostitution. After a few days, the premises were raided by local police and Jin was arrested. She served several months in jail for prostitution, despite the fact that she had been forced into it. She was identified as trafficked only after her criminal defense attorney took the time to learn more about her, and brought in a service provider who specialized in trafficking cases. Jin describes the raid as follows:

*“There were so many policemen, the whole house was filled with maybe 15 officers. I was in ‘the boss’ house.’ I didn’t know anything. I saw the auntie run so I ran too and as I was running a police officer struck me in the back of the head with the back of a gun and I fell to the floor and I passed out. At the time I didn’t know what was going on. There was someone in the house and he was wearing plainclothes and it wasn’t until*

later that we realized he was a police officer. When I saw the auntie run I started running. It was after that I discovered that they were police. I had no idea they were police when they all broke in. The ones that came in were not wearing uniforms. When I woke up, then I saw people with uniforms. I was passed out for less than a minute. I was struck in the head really hard. I woke up because someone was picking me up. It was a female officer and she opened up my skirt and revealed my undergarments in front of everyone to see if I was hiding anything on me. I was scared, I didn't even know what they wanted to do, at that point I would do whatever they said I was so frightened.

"They took me to the police station. The whole time I was shaken and I was in shock. I didn't know how far away it was because I was in shock. They took us in a small car, they put us each in different cars. It looks like a regular car.

"At the police station, I was asked a few questions. They were saying things to me but I didn't understand. All I did was say my name and I handed over my documents. They kept saying things to me that I didn't understand. Later on I fainted and they called a medical person to take a look at me. I was locked up by myself. They asked me questions first and then later on I was locked up. There was a telephone interpreter. I understood the person on the phone. He said, 'This person is so-and-so, and he wants to ask you some questions.' I don't remember what they asked. They asked me who I was, how did I get here, my family members, I think.

"Later on it was immigration agents (after I was out of jail). When they asked me questions, they asked me what I was doing here and how I came to the US. I begged them not to send me back. They came that day. I think they were there when the raid happened. Immigration [agents] came and asked me questions such as do you recognize this person. They asked if I recognized certain men who came into the house, but I couldn't remember the differences between anyone at that point.

"I wasn't allowed to make a phone call on the first night, but from jail I could make phone calls but I had to sign up for it, and could only make phone calls to a home phone, not to a cell phone. The first night I was in a police precinct. The second night I was in jail and I was there for a week to 10 days. My lawyer came to see me and a social worker, but not the immigration agents. Then I was bailed out and was free for a week. Then I went to court and was locked up for about a month.

After I was out, then the immigration agents interviewed me. I was given a sentence of a few months of parole, then I was taken to an immigration holding cell. I had been in for three months. I was only in the immigration holding cell for an hour waiting for the agents to pick me up. The first time when I saw the judge after being bailed out for a week, at court, I thought that I would make bail from the immigration agents at that time, but unfortunately the judge sentenced me to 6 months, but then it turned out to be only served 3 months and then 3 months on parole. I didn't think the immigration agents were going to come back to get me, I had given up all hope.

**"Unfortunately the judge sentenced me to 6 months, but then it turned out to be only served 3 months and then 3 months on parole. I didn't think the immigration agents were going to come back to get me, I had given up all hope."**

"The agent took me to the immigration office and that's when the social worker came to get me and took me to the shelter. I was told that it was better to stay with the social worker at the shelter. I think [the agent] wanted me to stay there, I don't remember. The shelter was pretty nice. They would give you money to spend. You could come and go as you please. They let you use the phone. I didn't think it was a shelter and they just said, 'We're going to take you to another place.' I didn't know if it was another jail or what. Once I got there I understood it was a shelter. They gave me a telephone card and allowed me to make calls. And I was free to come and go and do whatever I wanted. At first I was really afraid, thinking 'the boss' [the trafficker] could [find me and] just walk in. But eventually I started to get the hang of how it was there. They really valued safety because there were many types of residents. So they would tell us not to bring strangers or anyone to the shelter. They might be our friends but they might be enemies of others. It made me feel safe and like it was a home where you have to be careful and guard the vicinity and watch out for each other.

"Later on when I met people from immigration I thought they were pretty nice. I didn't go straight to see the immigration agents. I was taken in a truck or bus to an immigration holding cell. The agent and the social worker came to pick me up. She told me not to be afraid. During immigration interviews while in the shelter, they were asking me to point out [the person who

*forced me into prostitution] and at the time I had just gotten out and when I was arrested in the police station they had given me photos and asked me to identify people. I saw pictures of [the trafficker] but didn't identify anyone. I said that I wanted to take the blame and say I willingly did this and get this over with. When I was free the first time for a week, [the person who forced me into prostitution] said I shouldn't tell the police anything and not go back to court because she knew a lot of people in the police and only bad things would happen to me. She asked if I had told on her and I said 'no' and she asked if I had pointed out her husband and I said I hadn't. I said I didn't point out anyone and asked her to help me get this case over with. She warned me not to tell on her. So when I showed up for court it was just like [the trafficker] said, that I would be in trouble and it was true. So while I was locked up for those few months I felt a lot of anger and stress and I was really upset, why was I the only one in trouble and not her? So when I met with the agents they said, 'well we helped you, so now we want you to help us.' So when they pulled out pictures of [the trafficker] and her husband I pointed them out. They also wanted me to be a witness and help them for their case."*

**"A better way to help leave my situation would be anything that didn't involve the police."**

With respect to the use of raids to address trafficking, Jin said:

*"A better way to help leave my situation would be anything that didn't involve the police. Because [the person who forced me into prostitution] had told me that she knew the police and that they would keep me and I would be in trouble. I thought the way I was going to leave was her taking me to the bus station. When [the raid] happened I thought it was my punishment, and that she was really powerful. With the police you can't tell them anything, you have to beg for them to send you home, you have to take the fall for anything. I think the police could have not hit me. It was not necessary, the whole house was surrounded. They could have caught me easily and they didn't need to hit me."*

*"Well, that day when I was ready to leave she said I only had to do another two days. So if I only had to stay for another two days to do that work for her I would take that over being arrested. The whole time I kept thinking about my children and was worried that they would know. If I just stayed there like [the person who forced*

*me into prostitution] promised and then she let me go that would have been better."*

## **OFELIA**

Ofelia, who felt forced and coerced into prostitution, describes what happened during her only interaction with law enforcement, in a federal anti-trafficking raid:

*"It was about between three and four in the morning, and we were just finishing dinner, and talking, and we were all about to go to our own rooms, and we heard sirens outside and saw lights outside the window."*

*"[Another person in the apartment] said, 'Oh, they're probably looking for other people in the neighborhood,' but then we noticed that the lights were shining towards our window in our apartment, which was in a house. Then we heard a very loud knock on the door. Someone went downstairs to open the door, and two federal agents came in. At the time I didn't know where they were from, but learned later they were immigration agents. There were 20 to 30 men, and 5 or 6 women. Four or 5 went up the stairs quickly, and took the men and put them against the wall, looking toward the wall, and there were just 2 of us women who lived there, and they also put us against the wall, looking toward the wall."*

**"Because they told me, if you don't speak and talk to us, you could spend five to ten years in jail, because we could charge you with being an accomplice, and the only thing I was thinking of was my children."**

*"The women agents asked us to change, because we were wearing flip-flops and shorts, and to put on shoes and full clothes. When we were getting dressed, the only things they would let us touch were our clothes and the shoes. Then we were out again against the wall ... I'm not sure where they were from, but they spoke Spanish. Two men said to us two women, 'We know what you're doing here, and we're here to help you. All we want is for you to help us. [To me, they said,] 'We know [details about your family] and we know that you're being mistreated here, and we know they're taking all your money.'"*

When asked how she felt that these strangers knew so much about her, Ofelia said:

*"I felt very afraid, I felt very afraid, and I felt like I didn't want to say anything, I didn't want to talk, and I also felt like, this is the end for me. Because they told me, if you don't speak and talk to us, you could spend five to ten years in jail, because we could charge you with being an accomplice, and the only thing I was thinking of was my children.*

*"They told me that if I cooperated with them, then they would put the men in jail for the time they deserved, and they would help me get my children back, and they would let me be free and help me so I could be with my children."*

Asked if this made her feel better—she said:

*"No, because I didn't know what was going to happen, and I actually felt more sad ... [because] I felt that, I don't know, that I'd always wanted my children to hopefully have both their parents, but then, with this happening, I didn't know what was going to happen, so I was feeling very, very sad, because I also didn't know what was going to happen to them.*

*"Then they started putting handcuffs on everybody, and then me, and then they took us downstairs, put me and the other woman in an unmarked car, but it was a police or maybe immigration car. So then they drove us to a precinct, I don't know which one. Then they brought us to Federal Plaza. We spent the whole morning and the whole day there and then went to jail. There at Federal Plaza, I saw other men and women that I knew. We were in some kind of jail or cell in Federal Plaza. Other women were there, some were crying. I also was crying. So then I also saw my brother with the other men, locked up, and I knew what was going to happen to them, but they did not know what was going to happen to them.*

**"We had to get totally undressed, including our panties, and they kept our clothes, and we had to put on the uniform.**

*"They took our fingerprints. This took a long time. Then they asked us if we wanted to advise the consulate that we were being detained in immigration. They showed us a piece of paper to sign, saying yes or no that we wanted the consulate to be notified. At that point, there were 11 of us detained there. They put the handcuffs back on, to take us to the immigration jail.*

*"Like I said, we were taken to a jail in New Jersey, and they took our fingerprints again, and they took our photographs. They asked us to take off our regular*

*clothes, and to put on the uniform. We had to get totally undressed, including our panties, and they kept our clothes, and we had to put on the uniform. Then they put us in the cells.*

*"For the first eight days, we were all together, in one cell. ... In jail, the other women in the other cells said, 'Oh, that's where they put the women who don't behave.' They called it 'the cell for punishment.' That's where we [all the women in this area] ate together. I don't know why we were there. I thought they were going to deport us. There also was another woman, I don't remember her name, and she was deported. Then they took us to another place in the same detention center, where there were many more women. We were there about a week and a half.*

*"There were four of us in a cell, but not all of us from the raid. After that week and a half, we were sent to [federal detention], we were there for about six weeks. Two months total in detention.*

**"[Jail] is a really horrible experience that I do not wish upon anybody."**

*"I think it was a few weeks after they arrested me, I called my sister to see what was going on with my children. It appears that my mother already knew that I was in jail, because other people had already called my country. But I was telling her that I was counting on her about my children.*

*"At that time, I felt very sad, because I felt responsible and caring about [my boyfriend and trafficker] and respecting him. And to be with him all the time, because he was the father of my children. So when we were separated, I felt a lot of sadness.*

*"[Jail] is a really horrible experience that I do not wish upon anybody. Because I didn't want to speak to anyone in my family, and I didn't want to put anyone in danger in my family ... I didn't know what was happening with my children—I had no idea—because I wasn't speaking to them, and I had no idea what was going to happen to me. ... But if I compare it to when I was with my trafficker, it was actually worse being with him than when I was in jail, because when I was with him, I couldn't go where I wanted to go, I couldn't speak with my family, couldn't speak to anybody."*

## JOSEFINA

Josefina, who felt coerced and forced into prostitution, had a single interaction with law enforcement, in a federal anti-trafficking raid.

*"I was at home with the trafficker. It was about four or five in the morning. They knocked on the door. Someone else who lived there opened the door. Then, I think about three authorities came in, and they knocked on all the doors in the apartment, and brought us into the living room. There were six to eight of us. They asked if any of us was [the trafficker]—none of us said anything.*

*"One person who was there, said, 'He's not here, he works at night.' Then when they were going through the kitchen, they found a piece of paper, the schedule of whose turn it was to clean, so they knew he lived there.*

*"They asked all the men for their IDs. The last one they asked was him, so he had to show his ID, and they said it was him. He said, 'No, it's my uncle.' It appeared that they did not believe him, so two agents brought him into the room and the female agent stayed with us. Then they saw a woman's clothing in his bedroom, and he said they belonged to me, so they called me into the bedroom and I went in. They asked him if I worked, and he said no, just he works in construction. Then I showed my ID, and they went into my purse, which had condoms, alcohol, and lubricant. Then they asked him what all this was, and he said nothing. So then, they told us to put on clothes, we were in pajamas, because they were taking us out. They only took the two of us, and his cousin. They didn't take the [one woman] because she had a small child.*

**"During the arrest, I was very afraid they would deport me to my country. And then, of course, in jail, I was surrounded by people I didn't know, people who were there because of drugs, or robberies or thefts, murders. That was difficult. Before the arrest, I was in a very bad way, physically, morally."**

*"I saw offices. They took our photos, and then they took me to jail. ... [I] was in jail for two months, for two months and two weeks!*

*"I couldn't [call my family] in jail, because it cost money. But when they brought me to their offices for their interviews, they would dial the number to my family's house in my country, so I could speak to them.*

*"In the beginning, I was very afraid, but then I also have to say I felt more relaxed or calm, and felt almost safe, or saved, in their hands. In jail, it's like you are any*

*other criminal. With the immigration agents, they treated me well.*

*"... It was a very difficult experience. I was very afraid. I was thinking about how I am going to be able to leave here, and how I am going to be able to get out. And then I started thinking about solutions, and then I was in front of a judge without a lawyer, and I had a deportation order, and I was relieved because then I would be able to see my children [back in my home country]. ... During the arrest, I was very afraid they would deport me to my country. And then, of course, in jail, I was surrounded by people I didn't know, people who were there because of drugs, or robberies or thefts, murders. That was difficult. Before the arrest, I was in a very bad way, physically, morally."*

Josefina had left her situation on her own once before, but was convinced to return by her boyfriend, the father of her children, who trafficked her.

*"I left with a female friend, I was thinking of going back to my country. The only reason I [went back to] him was for my children. I was afraid for them, because he had been threatening me about my children. If it hadn't been for my children, I wouldn't have [gone back]."*

## **DANIELA**

Daniela, who reported being forced and coerced into prostitution, described her experiences being arrested in four local vice raids.

*"The first time, I was arrested with everyone that was working. It was two weeks after being here. I don't remember how many police, I think it was several. I was inside the house when they came. I don't remember exactly what happened. I spent the night in jail and I did see the judge, the judge did not convict me of prostitution. On all of the occasions they asked my name, my age, where I lived, who I lived with, why I was working in this, and whether I was forced into it. But I never told them I was forced to work, [Simon] told me that if I ever said anything about that something would happen to my family.*

*"The second time, there were many women working. Two men entered. ... They came in and looked and then paid then they left. It was a little strange. Ten minutes later, they were beating the door down because no one wanted to open the door. We didn't know they were police. Then they came in and the two women who recognized them knew they were police. About six or eight of the women were arrested and the rest they let go.*

*I don't know why they arrested some and let some go. I was one arrested. The woman who accepted the money thought [one specific agent] was the boss of the rest.*

**“[Simon] was waiting and told me I was stupid and beat me for being arrested.”**

*“When they arrested me in 2000, it was a long case. I think it ended when the twin towers came down. I was very afraid when I was arrested. On this occasion I was in that house by myself. They came and knocked on the door. The guy at the door didn't want to open. The police told them to open or they would knock it down because they knew we were there. So he opened the door. And it was just him and me, and they arrested both of us. They took me to the precinct and it was ugly and horrible, it seemed abandoned and dark. We were left alone in a cell. I cried the whole night and didn't sleep at all. The next day when they brought me to see the judge, they asked me those questions. They told me because I didn't have a green card they were going to keep me locked up. This made me very afraid, I was despairing because it's horrible to be locked up. Then I saw the judge and they let me leave. The owner of the house gave us a lawyer and then brought me to my home in Queens. [Simon] was waiting and told me I was stupid and beat me for being arrested. The judge gave me another court date. Jorge said it was a waste of time. The lawyer didn't come that day so the judge gave me another court date. I had three more court dates. The last was late in 2001 and I was late so they said they would have to lock me up and the police did put handcuffs on me and locked me up, then the lawyer arrived and got me out. When [Simon] got me home he beat me up again because he had to spend money to get me out. He said I was not worth anything and that I should be more careful.*

*“Every time they arrested me they first took me to the precinct and to take my name, fingerprints, address. Then they took me to the court, where I spent the night in jail. You are not allowed to call anyone from the precinct. You can call from court, there are phones there. They take you to court and take you one by one and start asking you the questions about whether you were forced, a few hours before seeing the judge.”*

Despite Daniela's four arrests, she did not leave her situation as the result of a raid.

*“When [Simon] went home in 2005, he left me with his brother and sister-in-law. He told me he was going to*

*come back. Time passed and between January and February of the next year, [Simon] said he was coming back but one day he disappeared. ... I didn't know anything about him or where he was, and my sister-in-law and brother both got sick and [my brother-in-law] went back to his country. Around March or April he left. When he left he told me that [Simon] had disappeared and that I could do whatever I wanted with my life. He said I didn't have to be afraid anymore—that nothing would happen to me or my family. It was my business whether I wanted to stay or leave. So I left.*

*“I felt happy because I didn't have to be afraid of being killed or that something was going to happen to my family. I was happy and content.*

*“It was good the way I left because I didn't have to do that horrible work anymore. I felt and feel that it ruined my life because I never thought I would work in work like that, it's something that can mark you for your life.”*

Daniela described one prior attempt to leave her trafficker with the assistance of another sex worker.

*“When I was talking to the woman who almost helped me leave. After [Simon] had beaten me, I really wanted to leave and she told me I could come over. I was excited and took a taxi, but I couldn't find her house and she didn't answer the phone. Then I felt so, so bad because I had no one to count on. All the women who worked there are in the same situation so I had no one to count on. Once I met another woman and she would tell me sometimes and she would see my bruises, and she would tell me, ‘Why don't you throw him out?’ Sometimes I would talk to her by phone. But then I found out that she also had ties to the man who trafficked me!*

*“If I had met a friend who was independent, this could have helped me to leave, but I never again had the opportunity.”*

## LILLY

Lilly described a vice raid as well as having been picked up in a federal anti-trafficking raid. She was identified by the US government as trafficked even though she does not self-identify as a trafficked person.

Lilly had accepted debt for travel to enter the US, and had paid this off by working in prostitution for employers connected to those who assisted with her travel. When asked if she identified as a trafficked person, Lilly said,



*“Not quite, because I was not forced, but because of debt for traveling here, I had to work for those who helped me come here. They were not violent to me, but they kept my passport so I was afraid I would not get it back if I did not work and pay off the debt. I did pay off this debt completely in 2003 and they returned my passport. I had no more contact with them after that. I then continued to work in prostitution for my own reasons, to pay bills.”*

Lilly had been arrested by local police five times. She was identified by federal law enforcement as a victim years after paying off her travel debt, at a time when she was working voluntarily.

*“Then the law enforcement perceived me as a victim. I was identified as having been trafficked.”*

An attorney recognized that she could be eligible for benefits and assistance for trafficked persons.

*“After this arrest, I never worked again in prostitution. First of all, I was scared and I was told that if I went back to that same kind of business, I would be deported. But if I didn’t go back to that kind of business, the law enforcement would get me a visa status to stay here.”*

Describing her first arrest by local police, Lilly said,

*“I was arrested in 2005 or 2006. I was working in a spa and police came in to arrest me. Three people came in and they were police officers. They arrested me and the owner of the spa and gave tickets to two other employees. One officer pretended to be a customer. He asked me if he gave me money would I do something sexual to him but I kept saying no. He said he was cold, so I put some blankets on him. Because I touched him and I didn’t have a massage license, he could arrest me. I was arrested around midnight. They put handcuffs on me. I was released the next morning at 10 AM. I was allowed to make phone calls. I was afraid of the officers and I was also mad and angry because in that process they threatened to deport me. They said, ‘I know you don’t have a legal visa so I can deport you for that.’ I was so afraid of that and I cried a lot. They didn’t ask if I was forced. They just said, ‘We are arresting you because you don’t have a massage license.’ The next morning I got a ticket that said I needed to pay \$500 as a bond. I asked a friend to pay the money so I could be released. After that I hired a private attorney who got me probation for six or nine months.*

Lilly describes her last arrest, which led to her identification as a trafficking victim:

*“The next time I was arrested was in 2006. I was working in a spa in another region. More than ten people came into the spa and they came from FBI, ICE and local police. They were wearing different uniforms and I recognized the uniforms. I was taking a shower and didn’t know what happened exactly. One of the FBI agents opened the bathroom door and said ‘don’t move’ and then arrested me. I had pajamas in the bathroom and they let me put on the pajamas. They arrested only two people. It was around 2 PM and there were only two of us there because we lived there. They put handcuffs on me. There were interpreters, they said we arrest you because you are undocumented. They asked to see my passport after they arrested me and handcuffed me. I felt more scared than the first time, because of the FBI jackets I was convinced that I would be deported very soon. When they arrested me they told me to pack my belongings for three or four days. They took both of us to the immigration office. They were 40 other ladies arrested in spas at the same time. They put us all in the same room. At the beginning, many of the women were scared, but as time went by some who could understand English told me that she heard that they were going to be taken to a hotel the next day. Still, we were wondering ‘Why would they take us to a hotel?’ but we felt better.*

**“They were wearing guns and uniforms, and it made me very scared. They didn’t tell us anything. They treated us like criminals during the arrest and it was scary.”**

*“They didn’t treat me badly, they just asked questions. I thought that if I gave some information to them it would be good for me, so I tried to provide any info I had for them. But this was the first time I was in that city, so the only person I knew was the spa owner. Only in the last interview I was told that I was a victim of human trafficking and that they would give me legal status in the US and work permit and that I should keep in contact with law enforcement regularly.*

*“I was interviewed with an interpreter the same day I was arrested. They asked me how I came to the US, what kind of work I did, if I was forced to do prostitution, and how much debt I had. At the time, I didn’t have any debt and I told them this. That first night we had to sleep in that big room and they just gave us each a blanket. We weren’t allowed to make any phone calls. The immigration office provided dinner*

and breakfast the next day. I was moved to the hotel the next day at 8 AM. They didn't tell me why they were doing this, even though I asked them. They put two people per each room. I wasn't allowed to leave the room, they said I should stay in the room. I was interviewed while I was staying in this hotel. Police officers stayed at the same hotel and kept a room for interviews. They would call my name when it was my turn. I was sure it wasn't local police. I think it was FBI. They kept us in this hotel for about a week, but they never told us how long it would be. I was not allowed to make any phone calls. They provided doctors to check and did provide Asian food for meals. They fed us well. I had several friends that I thought might be concerned about me, I wanted to contact them but I couldn't. I didn't worry about the fact that I wasn't working, I was only worried about being deported. They interviewed me about three or four times. In the interview there were interpreters and a social worker. It was similar questions to what I had been asked before. I thought that they wanted some information from me. They showed me several pictures of the driver and the spa owner and asked me if I knew them.

"They didn't provide me with a lawyer. There was a social worker there. She was with me in every interview but didn't ask anything between interviews. The social worker asked me if law enforcement had treated me badly. That social worker was not [my ethnicity] and had made me feel uncomfortable and provided her business card, saying 'Once you are released from here we can find you an agency to help you so please contact us.' She said, 'We have a social worker who speaks your language' and provided that number.

"They were wearing guns and uniforms, and it made me very scared. They didn't tell us anything. They treated us like criminals during the arrest and it was scary. During the hotel, if law enforcement had told us that if we cooperated with them they could help us, it would have been easier for me to open my mind. But it was not like that, they told me at the last minute."

## LETICIA

Leticia was stunned at the level of surveillance and the in-depth investigation that law enforcement had undertaken in her case.

"The police came to the house where I was living, they asked us questions, where we were from, to see ID. We gave them our IDs from our country. ...

"They asked me who I lived with, they asked how I got here, legally, illegally, who brought me here, and what I worked as, and I told them I wasn't working in the beginning. They started telling me that they knew what I was in and they said I should tell them the truth and I told them I don't know what they're talking about. They told me they had proof that I worked in prostitution, and after an hour of my denying it, with three different people asking questions, at the very end, one was very angry, said they had proof, photos they could show me, and they could show me and it was the last chance I had to tell them the truth. And if I didn't tell them the truth, they would send me to immigration. I was very afraid. That's when I told them yes, I was in that work, they asked me everything like when I came here, and they asked me and I told them the name of the person who brought me here and everything about how I met him, when, how I was the girlfriend of this person, everything, how I got involved in this. I had to tell them everything, all the info about my ex-husband, what I had done with the money.

"I was very afraid when they knocked down the door. They said it was immigration, they asked up for documents, and I thought, what can I do? They told us it wasn't about that, they were just going to ask questions."

"So they didn't arrest me, then they took me back to where I lived. When they first came it was 7 AM, when I got back it was 3 PM. They told us to tell the neighbors it was a mistake and I wasn't dealing with the neighbors. The owner noticed what was happening, but he never asked me.

"I was very afraid when they knocked down the door. They said it was immigration, they asked up for documents, and I thought, what can I do? They told us it wasn't about that, they were just going to ask questions.

"When they came to my house, he was in [another country], he was my husband then. They asked me about his name, address in [that country], any information I could tell them about him. ... They went directly into questions about prostitution. They asked me how I got into prostitution and how I would do that.

"In fact, they had my phone number. They had it before I gave it to them. They told me they needed my new

address if I moved. If I continued talking to my husband, I should let them know but I should not let him know anything about what happened with the police. They called to ask me if all was all right, where I was. They were going to give me this document. I said I was going to the store, they said they'd come right then, and I had to sign this form. They told me it was a work authorization form, and they gave me some money. They waited near my house. They asked what I paid for rent and phone, it was the same two, they gave me \$1200 for my rent and phone, and I had to sign, and they said they were going to help me.

"They were the ones who gave me the number for [a social services agency]. That's how I met the lawyers, the lawyer told me not to sign anything again without the lawyer because they gave me all these papers in English, and she should look before I signed.

"They told me I shouldn't work in prostitution, and I didn't know about any other work, so I didn't work for two weeks and I had to move. I told them I have no money, I have to look for work, but I'm not going to get anything. I moved, I gave them my new address, they told me not to worry, they would help me."

## LEILA

Leila arrived with a work visa, but gave her passport to the employment agency with which she had a contract to perform in nightclubs and strip clubs.

"I knew what I was going to do and I was ready but not ready for the conditions. ... I worked for that agency for three months and I left. I saved only \$250 in two months. I gave them over \$10,000. Sometimes when I worked for the whole week I wouldn't have \$1200 to pay them."

When she realized that paying \$1200 per week to the agency for work and lodging was unfeasible, she left and demanded her passport be returned to her. Leila was in a very different situation from many other people because she had a support network of people who were not trafficked and who were willing and able to help:

"I just walked away, it was a big stand up. They pushed us and tried to scare us. I was with my roommate, she went to [our country] after a year. The traffickers told us bad stuff about our families and what would happen, and we taped the conversation, and they didn't give me back my passport. They called me the next day and I told them that if they didn't give us the documents we'd go to the police. The next day I was told I could

pick up the documents at [a specific] theater. When we picked up the documents, they had a message, 'You will see what happens to you when you come back to [your country].'"

She described her feelings when law enforcement agents came to her home saying:

"I was not scared of the police, ... in [my country], it's normal for the police to come to us and check your documents on the streets. What made me feel strange was that it was early in the morning and a hard knock on the door... They didn't tell me I was arrested, they said we have to check you."

However, then Leila was arrested.

"But they didn't give me cuffs, they told me that they have to do this in the car and they weren't tight, they were polite... They picked me up and bring me to [immigration.] First of all, I didn't understand why they take me, they said they have to check me, and I saw a girl who worked ... with me."

Leila was interviewed by federal agents without an attorney.

## MARGARITA

Margarita, who felt forced and coerced into prostitution, was not picked up in a raid, but rather chose to leave her situation on her own, prompted by an incident of physical abuse by her trafficker, who was also her boyfriend, after a long history of violence. Her boyfriend controlled all her earnings.

"He gave me a lot of beatings. He beat me a lot. The decision to leave was ... [after] one of the worst beatings he gave me. He didn't really let me sleep all night. We were lying together in bed, and he would hit me every few hours in bed ... He had never hit me with a bottle before. He threw a bottle at my head that left a scar that I still have. He was insulting me, telling me things that I had done that were very bad words, insults."

The decision to leave was not easy.

"When one finds out what kind of people they are and what they are capable of, it is hard to find ways to leave. He had this thing on me ... I felt like I was possessed ... There is a moment when you find the strength and the will to leave, and then you can make it. Even now, it's very hard for me to move on, because he stays in my mind all the time."

## PERSPECTIVES OF LAW ENFORCEMENT PERSONNEL

Margarita left when she met a taxi driver who helped her. The cab driver invited Margarita to stay with him and his family when she told him about her situation.

*“I went to work in another city for about six weeks to work somewhere else. But there’s also a person that takes care of the door, and I could tell the doorman not to let someone who looks like [the person who trafficked me] in, and the people don’t want a scene, because no one wants the police to come. It would not be good for them for the police to be involved.”*

Margarita explained that in the brothel, other workers expressed concern and sympathy for her situation. Margarita she feared that if she talked to other women from her country, her whereabouts would get back to trafficker.

Later on, a friend referred her to a case manager who explained the resources available to trafficked persons who cooperate with law enforcement.

*“I felt a lot of fear—I was very scared. Everybody who interviewed me made me feel nervous, but I had the strength that I knew something was going to happen. When I was in [my home country], I don’t think there would have been anything for me to do. Once I was here, I was ignorant of the law and the way things are here ... the help for victims. When I started talking to [my friend], I realized I was wasting my time, and I thought I should have done something since I arrived here. It helped me [to learn about the law] because I didn’t feel alone anymore in this situation.”*

The information about her rights and benefits for trafficked persons was critical to Margarita’s decision to report her experiences to the police and to cooperate in prosecution.

*“I felt protected by my case manager, because she basically explained to me the steps in the process. They helped me move to another area. They helped me with the rent to move to a safe location.”*

Taking action on her own to separate herself from the trafficker put Margarita in a position of strength—she was able to approach law enforcement on her own terms and was only briefly interrogated without a lawyer present. Her case was successfully resolved, and she is seeking to bring her daughter to the US.

***“I would recommend to the victims that they shouldn’t be afraid, that they should speak up.”***

Five federal law enforcement personnel were interviewed for this study, and described the procedures, positive outcomes, and challenges of anti-trafficking raids. Law enforcement personnel expressed mixed views as to the efficacy of raids as anti-trafficking tools.

Some law enforcement agents questioned the efficacy of raids.

- 4 of the 5 law enforcement officials interviewed had been on-site during raids, the fifth had worked with people rounded up in raids;
- 2 of the 5 were very critical of the use of raids based on their experience, noting that people who experience raids are often not good witnesses in subsequent anti-trafficking investigations and prosecutions because they are distrustful of law enforcement;
- 1 of the 5 believed raids produced both good and bad results;
- 2 spoke in favor of raids; and
- At least 1 law enforcement employee reported experiencing symptoms associated with secondary trauma.

Law enforcement personnel reported that raids were useful for:

- Locating and identifying witnesses for law enforcement efforts;
- Removing victims of abuse from terrible situations. In theory, they believed that raids lead to the delivery of services and assistance to trafficked persons; and
- Bringing down criminal networks.

However, law enforcement personnel described difficulties gaining the trust of people who had been victimized and who were subsequently detained after raids.

### Procedures for anti-trafficking and anti-prostitution raids

#### WHO IS INVOLVED?

A variety of law enforcement agencies and personnel conduct raids in which they may come into contact with people who have been trafficked. Local police

departments raid suspected sex work venues as part of anti-vice operations. Immigration and Customs Enforcement (ICE) conducts workplace raids in search of undocumented immigrants as well as anti-trafficking raids. The FBI focuses on organized crime and violations of federal law, including trafficking in persons. Federal anti-trafficking raids often involve coordination between some combination of DOJ, FBI, ICE and local police.

One law enforcement agent described the roles of different federal agencies during anti-trafficking raids:

*“There are different roles, ICE would be looking at the victims, checking their status, finding out if anyone is here illegally, and finding them services like shelter if they need it. They are better at doing the paperwork [conferring temporary immigration status on trafficking victims] or paroling the victims in if we need them as witnesses. The FBI would process the defendants, take them to court. ... Then the victim coordinator gets involved. If they are victims, then they have access to certain services, as opposed to just witnesses. The US Attorney’s Office also has victim coordinators. ... Theoretically anyone who is identified as being here illegally could be deported by ICE.”*

Another agent said that the FBI’s anti-trafficking work does not typically involve raids, but described one raid that did involve the FBI, saying, “I did have one case where alien smuggling, trafficking and extortion was the primary crime being investigated. In that case there was a warrant for certain people, and we went to their house and arrested them.”

## PREPARATION

One law enforcement employee emphasized the importance of preparation prior to the raid:

*“Agents have an idea before the raid who potential victims versus traffickers might be. Most work is done before the raid. The raid is just the tip of the iceberg. Preparation is most of the work. Prep includes surveillance, record checks of potential witnesses and traffickers, etc.”*

**“We may consult the US Attorney’s Office after we do a little investigation, to see if they are going to prosecute. If they aren’t, then there isn’t any point in continuing.”**

The interests of the criminal justice system are often paramount in the preparation and process leading up to a raid. From the perspective of law enforcement personnel, whether raid is successful is determined by the collection of evidence rather than by positive outcomes for the people affected by the raid. All law enforcement personnel interviewed described the function of raids as a tool for collecting evidence—including witnesses who may testify in prosecutions of crimes such as trafficking and extortion—that would not otherwise be available. The focus on criminal proceedings can lead to the discontinuation of an investigation if prosecutors determine that charges will not be brought. One law enforcement agent described the process as follows:

*“In general, we get cases from a tip or an anonymous tip, or it could be a victim who files a complaint, a referral from another agency or the [local police department], or a confidential source. Factors that make us take it seriously: reliability of the information, seriousness of the crime. ... We may consult the US Attorney’s Office after we do a little investigation, to see if they are going to prosecute. If they aren’t, then there isn’t any point in continuing.”*

*Another said, “raids are more effective in taking down a network—the goal is not to rescue victims, but to harm the network—but women get deported ... and you don’t rescue a victim, but do take out the network.”*

**“This is the vast majority of what we do, because you can’t just knock on doors and look for domestic servitude or other kinds of trafficking, because the activities themselves are legal. So mostly we target brothels.”**

According to one agent, “A raid can be on a vehicle, brothel, safe houses, employment places, routes to and from work and home.” Another law enforcement participant described how locations for raids are determined. “We only do raids where there is a known victim—if we only have an anonymous tip that there might be a trafficking victim, we do what we call a ‘knock and talk,’ where we just approach the location and try to get someone to answer the door. Then we will try to do a search based on consent or exigent circumstances if there is obvious evidence of illegal activity from the doorway.”

Once a potential target for a raid is identified, “They get search warrants and arrest warrants, that sparks the raid.”

*ICE has administrative search and seizure powers.... [DOJ and other law enforcement agencies] have to have probable cause for a criminal case, but ICE can raid whatever they want, if they think there are illegal immigrants.”*

Federal agents may use the suspicion of illegal activity that is not under their jurisdiction—such as prostitution—to gain access when there is no evidence of trafficking sufficient to secure a warrant. One law enforcement employee told researchers, “We can do raids when we have enough for a search warrant. Then you can enter the premises and search for what is on the warrant, which is usually a person, a victim. The other way we can do a raid is to accompany local law enforcement vice squad when they are raiding an alien brothel, where it is all immigrants who work there.... The cops are looking for illegal activity, and we come with them to look for victims. This is the vast majority of what we do, because you can’t just knock on doors and look for domestic servitude or other kinds of trafficking, because the activities themselves are legal. So mostly we target brothels.”

This rationale for a federal law enforcement focus on trafficking into sex work at the expense of investigations of trafficking into other forms of labor is flawed in many respects. While other forms of labor may not be criminalized, they are nevertheless subject to regulation, providing a basis for investigation aimed at locating and identifying trafficked persons in other sectors.

## **ARRESTS, INTERROGATION AND DETENTION**

One agent described the means by which the conditions under which people rounded up in raids will be taken into custody are determined, “One of the raids we orchestrated was due to a tip from an NGO. In these cases, we have a good reason to believe that the people we find are going to be victims. We will identify them that way and not put them in a jail cell. It depends on what you find. If there is prostitution going on, we can do criminal or administrative arrests. I can arrest for any felony or misdemeanor that happens in my presence without a warrant. In a brothel raid, everyone is arrested. Those that seem to be victims, I will arrest administratively, meaning we charge them with immigration violations, and take them to our offices instead of to the police precinct.” In other words, regardless of whether an individual has been trafficked or not, they are arrested and taken into law enforcement custody following a raid.

**“ICE can raid whatever they want, if they think there are illegal immigrants.”**

Once the raid is over, law enforcement personnel conduct interviews of those arrested. “The DOJ has set intake guidelines [to] use in these interviews. We try to keep it two agents to one victim, but we need at least two agents so that they can corroborate each other if the case goes to trial, and sometimes we need a translator as well. We interview them, make sure they are doing prostitution voluntarily, and if so we release them on their own recognizance, because there are limited bed spaces for women. Those that we release are automatically issued [notices to appear in court] because they are immigration violators. One woman that I found on a brothel raid who turned out to be doing prostitution voluntarily is now in removal proceedings. ICE issues [notices to appear] for the victims too, because it keeps them involved in the process.

By issuing notices to appear for removal proceedings for all people rounded up in a raid, authorities fuel fears that anti-trafficking initiatives will ultimately lead to deportation of people who have been trafficked, adversely affecting trafficking victims’ trust of law enforcement. Moreover, the ongoing threat of deportation which hangs over the heads of trafficking victims who cooperate with law enforcement carries with it the risk of abuse. There is very little information available concerning how many people have been deported following anti-trafficking and anti-prostitution vice raids.

Identification of trafficked persons during the interview procedure appears to be largely driven by subjective determinations by individual law enforcement officers based on their perceptions and assumptions about how people who are trafficked are expected to appear and behave. For instance, one federal agent described his approach as follows: “I would ask them how they got here. I don’t have a list of questions. Just get all the facts from them about their circumstances. It’s not hard to tell. We look at their affect. Usually victims get upset and are frightened. Same as victims of extortion. You can usually tell if they are scared, and that is one of the elements of the crime. If they are not scared, that also tells you something.” Such subjective and discretionary determinations are almost guaranteed to let some individuals who have been trafficked slip through the cracks. Many people who have experienced trafficking do not fit the “profile” of “victims,” even to trained interviewers. In fact, our interviews with people who have been trafficked and

service providers indicated that many people have been reluctant to come forward to law enforcement as a result of fear and trauma induced by the raid itself, or due to fear of retaliation by the trafficker. As one law enforcement participant put it, *“People take off because they are scared of [deportation]. The victims could be threatened about cooperating by the suspects—they are afraid.”*

Indeed, when asked about the negative outcomes of raids, law enforcement personnel cited to the lack of cooperation of potential witnesses. One law enforcement participant noted *“We lose lots of potential victims after the raids. Victims have their reasons not to cooperate. Sometimes a trafficked person knows she is a victim, but ICE loses her because of the trafficked person’s emotional state. The ultimate decision to cooperate is theirs and [the law enforcement agency] has to let them go if they do not agree to cooperate. Many victims just leave the shelter on their own without telling agents and disappear. But it is very sad to find them a year or two later.”*

One agent acknowledged, *“In the beginning, [this particular agent and agency] thought victims would be grateful for rescue, but now realize that is not true. It is more complicated.”* Another agent noted that when it comes to trafficking, *“The nature of the crime and the nature of the victims make raids not effective. What level of evidence do you need? You need a victim to be willing to open up and tell you. ... I don’t see raids being a consistently effective tool. The best situation is if you know there’s a problem.”*

*“In one case, it was kind of a raid, and [we] got lucky that women were willing to talk quickly. We’re on a ticking clock. You want to give the victim time and space, but the courts don’t allow it. ... In my personal opinion, I question the effectiveness of raids. If the point of the raid is to uncover a trafficking operation, then the crux of the thing is the mental situation, people living in a situation of terror. The blitz approach of interviews that have to take place in raids are not that helpful.”* After one particular raid, this agent interviewed over 20 people, *“and not one of them cracked—very tough women who don’t say anything about the victimization. ... It’s such an overwhelming situation, and why would they trust us?”*

When asked whether raids help trafficked persons, another law enforcement participant replied, *“Generally no. ... Raids don’t give victims enough chance to get mentally where they need to. ... You feel like they feel better at the*

*end of the process of cooperation, but getting through to that endpoint is very hard on the victims.”*

One person with extensive experience with raids offered some specific recommendations for improving the outcomes of law enforcement interventions: *“We need more preparation and to anticipate eventualities. Plan for pregnant women, people with children, for violence. Try to prevent future threats against victim by talking to trafficked persons separate from traffickers.”* A federal agent said that ideally, law enforcement would *“Give victims some time and some space to think about what they want to do, because the initial response is to say ‘I want to go home.’ With immigration tension [the rush to determine which people picked up in raids would be useful witnesses and which people to charge with crimes or deport], there is no time for this, and if we let them go, they vanish. If we don’t let them go, there is a ticking clock, and they get deported. Raids are driven by money and resources.”*

***“You want to give the victim time and space, but the courts don’t allow it. ... In my personal opinion, I question the effectiveness of raids.”***

## **PERSPECTIVES OF SERVICE PROVIDERS AND ATTORNEYS**

Social service providers interviewed for this report typically have high caseloads and are very experienced in working with trafficked persons, sex workers, or both. The opinions they expressed were therefore based on their experiences with tens or even hundreds of cases.

In some instances, service providers and attorneys were contacted by law enforcement in advance of raids to inform them that their services would be needed by the people rounded up. Their organizations made caseworkers and attorneys available at these times. Other agencies have opted not to do so, or have chosen to stop participating in the actual raids. Many organizations have struggled to ensure that law enforcement agencies provide them with notice of raids and immediate access to the individuals taken into custody in order to ensure that they are able to provide services as soon as possible following a raid and prevent deportations of trafficked persons.

Caseworkers and attorneys, and particularly those who had been present at or following a raid, spoke strongly against raids. Service provider participants were uniformly of the opinion that raids and arrests were

detrimental to the wellbeing of trafficked persons picked up in raids, and counter-productive to their cooperation with law enforcement in trafficking cases. They emphasized that raids are chaotic events during which the people directly targeted have little understanding of what is happening, and cited trauma and detention as common consequences of raids upon people who had been trafficked. Service providers also noted that treatment during raids bears directly upon whether a person who has been detained will speak frankly about their experiences, or self-identify as having been coerced or otherwise abused.

According to the service providers we spoke with, the trauma of raids and the requirement of subsequent cooperation with law enforcement have long-term effects on trafficked persons and people who do not self-identify as trafficked. Additionally, raids have ripple effects on immigrant communities and sex workers beyond those directly affected by law enforcement activity, increasing fear and driving sex work and undocumented people further underground and farther beyond reach of assistance, and making sex workers and immigrants less likely to turn to law enforcement when they experience violence or coercion.

All 26 service providers stated that:

- They did not receive referrals of trafficked persons as a result of local police vice raids, suggesting that such raids do not result in the identification of trafficked persons;
- Federal anti-trafficking raids can lead to the deportation of many people rounded up before they can be properly screened for trafficking;
- Law enforcement did not consistently follow up on trafficked persons' willingness to cooperate with investigations or provide the necessary support for applications to adjust immigration status and for benefits and assistance;
- There does not appear to be a standard procedure for identifying trafficked persons following federal anti-trafficking raids or local law enforcement vice raids, leading to widely divergent treatment of people rounded up in such raids; and
- Law enforcement agents use interrogation techniques including intimidation that are entirely incompatible with an approach that prioritizes the needs of trafficked persons.

Additionally, 10 service providers reported that:

- Raids create circumstances facilitating police misconduct, including sexual misconduct, against trafficked persons.

In addition, caseworkers and social workers working with trafficked people expressed feelings of exhaustion and burnout. They reported that very few opportunities exist within their workplaces to receive appropriate support. Caseworkers also described experiencing symptoms of secondary trauma related to their work with trafficked persons, and particularly those clients who had been traumatized by their experiences in raids. These conditions contribute to high turnover among service providers working with people who have been trafficked, and undermine their ability to adequately address their clients' needs.

## Chaos and confusion

Raids were most commonly criticized by service providers for their chaotic nature and law enforcement's failure to explain what is happening to the people the raids are intended to protect. In the words of one attorney, *"What ICE calls a rescue is barging into someone's apartment at 6 a.m. and terrorizing them."*

A caseworker in the Northeast told researchers, *"The raids that I'm most familiar with have taken place in the wee hours of the morning, usually in a person's home, not in their place of work, and it's been really frightening. They initially believe it's because they are undocumented, and then later, in the moment in high drama, they realize [that law enforcement] are after the victims because of prostitution, and then it becomes frightening because their families don't know they were involved in prostitution. ... Usually in the raids I've been told about the law enforcement officer playing tough before explaining that law enforcement believes the women are victims. One client described ... that on the way to the station, an ICE agent said, 'You shouldn't be in this country anyway,' and she said later, 'How dare you! You have no idea how I got here!' And she had been trafficked and had the feeling of humiliation and powerlessness."*

A social service provider from the East Coast said, *"Raids scare people; they don't know what's happening. ... There are language and cultural issues as barriers. It's a traumatic, terrible situation. They have been through a lot, we all know—force, fraud, coercion; they have been terrorized by the trafficker; at the end of the day the trafficker is the only person they know who speaks the same language ... we tell [law enforcement], 'They don't understand anything*



*in the raid. I am confused by the process and I speak English and am educated. I'm confused, put yourself in their shoes.”*

An attorney echoed this sentiment, saying, *“I think a lot of the problem is just that there is a lot of confusion in a raid. Things happen in a raid and no one addresses the confusion or explains what is going on. Maybe there is a script that they have to explain to the victim but I feel like no one knew why—they knew they were picked up for being undocumented and in prostitution but it was really frustrating that nobody bothered to explain anything to them.”*

Service providers explained that traffickers often threaten victims with calling police or having them deported if they do not do as they are told. As a result, if the protections available to trafficked persons are not made clear from the outset of a law enforcement intervention, law enforcement operations can increase rather than decrease the power traffickers have over their victims by confirming the very fears that traffickers have instilled.

## **ABSENCE OF STANDARD PROCEDURES**

Interviews with service providers revealed that there are wide disparities in the implementation of anti-trafficking initiatives between, and even within, agencies. One law enforcement agent interviewed described having an intake form to screen trafficked persons, but it appears that this is not uniformly implemented. The perceptions of individual agents appear to determine whether an individual will be recognized as trafficked.

***“Their training is as law enforcement agents. They’re cops with guns who can deport anyone they please, and their job is to get the illegals.”***

One service provider with a national organization said, *“The problem with law enforcement is that it’s hit or miss. It’s who you get. ICE in [different locations] is totally different. ... Particularly with ICE, they move staff around a lot and they deal with things inconsistently, there is not consistency even across the years. For nine months it was good, but the nine months before it wasn’t. I think they did over 200 raids in one year in [our area]—25 officers raiding smuggling safe houses. It’s whether those particular officers wanted to be involved or thought there was trafficking.”* Another service provider in a major city commented, *“It’s hard to compare. In a couple of the cases, in one successful case it was the personalities involved. In*

*other cases I’ve had prosecutors scare my clients away, re-traumatizing them. ... People were scared away by overly aggressive prosecutors, who knows where they are now?”* An East Coast attorney told researchers, *“More recently I have a few other cases where I think the ICE agents are much more bullying and screaming at the victims than they should be. It’s really frustrating. I know one of the ICE agents has a lot of complaints against him. I feel like they are spinning themselves in circles. Their training is as law enforcement agents. They’re cops with guns who can deport anyone they please, and their job is to get the illegals.”*

Other participants reported positive experiences with individual law enforcement agents. One service provider said, *“There are always good and bad cops. There are two amazing cops in [a specific unit]. They are really gentle and say, ‘We understand you’ve been exploited and you were put in an unfair position and you were told that you weren’t good enough to do other things.’ I don’t know how I feel about everything they say, but they are pretty special. It’s not an institutional police thing, it’s very few members of it. They have been in sensitivity training, but their work is based on fear and it’s a moral issue, too. Some people get it, and some don’t.”*

One service provider told researchers, *“There was one particular AUSA [Assistant US Attorney] that was very patient. He was a good interviewer. He had really good interviewing skills. It’s clear that he worked at it. In terms of his ideology, I’m sure that his was completely different from ours. ... The majority of AUSAs have horrible interviewing skills. A lot of it has to do with the culture of law enforcement but it also has to do with their demographics. They are white men, they don’t know how to communicate with immigrant women.”*

Unfortunately, well-meaning individual law enforcement agents’ hands are tied by systemic constraints. According to an attorney on the West Coast, *“We have an ICE agent that we work very well with, she gets it and gets people around her trained but it’s hard for her to get information and permission and authority to do the kind of things that she really wants to do. Her hands get tied. It’s a difficult system.”*

## **LACK OF IMMEDIATE ACCESS TO LEGAL AND SOCIAL SERVICES**

All service providers and attorneys agreed that services should be offered immediately following any law enforcement intervention, and that the presence of attorneys representing the interests of the potential

“victim-witnesses” is critical during any interviews with law enforcement. A service provider explained, *“What makes a good raid, if there is such a thing, is bringing in NGOs really early on. You can wait 24 hours, and these women do not trust anyone at this point. I saw law enforcement do it on a huge scale with 103 women. . . . They gave us early access, we knew in the hour following the raid and we were able to mobilize teams and get access. They would always give us a separate space for larger presentations to everyone and a separate space for interviews and meeting with individuals. I don’t know that this is the best that they can do and I don’t know that my clients thought this but . . . And I have seen raids where people were put in jail and after a night in jail they don’t trust anyone, including NGOs. In the raid that went well, they were given hotel rooms and . . . foods that the women would want to eat, they had interpreters, they had health screened right away and people were sent to the hospital. . . . How they are treated makes a big difference.”*

Another emphasized the importance of adequate notice and information about the type of situation law enforcement expects to encounter ahead of time to ensure appropriate and effective service provision immediately after a raid. Failure to ensure access to supportive services immediately following a raid can have disastrous results for trafficked persons—one service provider recounted an instance in which, although a client had provided considerable information to authorities and enabled them to locate and remove a number of trafficked people through a raid, service providers were not given access to the individuals picked up, and they were subsequently moved to a detention facility in another state and ultimately deported.

The presence of social service providers during a raid appears to be necessary, but not sufficient, to ensure respectful treatment and prevent violations of the rights of trafficked persons. One service provider who was present during a raid reported, *“I don’t feel like our presence [during the raid] made an impact on how the police were treating the girls that they encountered. It was me and my co-worker with 20 to 30 police officers. . . . Their [the agents’] conversation showed that they had no knowledge of what was going on in the girls’ lives. They were very macho and traditionally masculine sort of rhetoric and male bonding between the police officers.”* Another from a large organization said, *“We’ve been the agency called when there is a raid with 60 or 70 [possible victims], who’ve been sequestered in a hotel for a day or two after it happens . . . we’d overhear doors slamming and people storming out and*

*yelling, ‘You are lying to me!’ That upset me. I can’t tell people to trust me when in two minutes this person could be dragged into another room with this belligerent, angry, accusing law enforcement agent.”*

A service provider who accompanied local police on the raid of a nightclub featuring strippers said, *“What struck me was the disparity between the language they were using to us and the language they were using with each other. They told us, ‘We’re happy you’re here and we hope you can get girls you can talk to.’ But what I could hear from their conversation was that they were looking at these girls as criminals and not as victims, saying, ‘These girls will get what they deserve.’”* An attorney on the West Coast put it this way: *“If you suspect that they are all adults, and if the only way you can get access to them is with a violation of immigration law, they are treated as an illegal immigrant first and as a potential victim-witness second.”*

An attorney in the Northeast reported that even people who are believed to be victims of trafficking are interrogated as if they were criminals. *“In the post-raid situation, one way they were getting women to talk about what happened was interrogations, and if they were victims, that was not appropriate, the tone, yelling. A lot of the women felt nervous and threatened and that they were telling the truth and the agents were referring to the interviews as ‘breaking the clients’ and it’s disturbing to think that if they had been victims that this is how they would have been treated. . . . It seems illogical to someone to be picked up in a raid and then trust law enforcement to tell them the situation. It’s incongruous to think that you would open up after being handcuffed.”*

Some participants have become so discouraged by the ways raids have been conducted that they have declined to continue to participate. A social service provider who was present for one raid said, *“I haven’t gone since. It was my own choice. I didn’t feel like it was effective for me to be there. We haven’t gone back on any raids.”* Other service providers had different reasons for not wanting to be present during a raid—one told researchers, *“I don’t want to do that because I don’t want to be aligned with the police in the minds of my clients.”*

Attorneys consistently highlighted the importance of access to legal representation following a raid. One told researchers, *“I think it makes a real difference when people are being questioned that they have an attorney or advocate present with them. That doesn’t happen in many cases. They should be able to get advice from an*

attorney or advocate before talking to law enforcement at all.”

A West Coast attorney said, “Timing wise, we’ve gone back and forth about whether they should contact us before and whether we should be on site and a part of the raid, to be more accessible to possible victim-witnesses to have protection there. And I think there are pros and cons, I don’t have an answer to this. . . . I do think that none of the victim-witnesses should be questioned by law enforcement until they are given access to their consulate or they should have pro bono immigration and anti-trafficking attorneys from the CBOs to represent the interests of each possible victim-witness. By the time that we talked to any of the women in any of these cases, they had already been interrogated at least once if not more, and based on those interrogations, maybe a second or third, their entire future is determined. They aren’t informed about their rights in a way that a reasonable person would believe. I arrest you, handcuff you, fingerprint you, interrogate you and then tell you that you have these rights. . . . As attorneys, we are often the last to be pulled in and I think that’s a bad idea.”

“Our big complaint is that they should refer anyone they identify or suspect is a trafficking victim as soon as possible. I know at least one [law enforcement personnel] admitted to me in private that victims are better witnesses when we refer the victims to law enforcement rather than when law enforcement interviews them first. But this attorney could not make the policy decision to turn them over to us because she couldn’t make the policy for [her agency]. She . . . unfortunately is no longer there. Our goal is for them to realize that it’s in the best interest of the prosecution and for future prosecutions to refer as soon as possible, that will do more to build trust and cooperation from the victim than anything they can do or say.”

## The aftermath of raids

Social service providers described their clients experiencing symptoms of trauma after raids, and noted that, in addition, raids uproot trafficked persons from their communities, and can effectively render them homeless. Some people picked up in raids, especially people who earned living wages, experienced severe economic hardship as a result. Many trafficking survivors were alienated from law enforcement by their experiences of raids and did not speak about their situations. Others who were trafficked by their husbands or partners did not self-identify as trafficked persons following raids.

## TRAUMA

“I felt that I would rather have been working rather than go through the things that were happening to me.”

—Marta

“Marta was pulled out of a trafficking situation in such a way that she will never trust law enforcement or government and barely trusts me or her case worker.”

—Marta’s attorney

People picked up in raids may suffer trauma and even exhibit symptoms of post-traumatic stress disorder, including problems sleeping, listlessness, fear, exaggerated startle responses, physical and mental distress in response to reminders of the event, and avoidance of thoughts, feelings and reminders of the trauma. (Hopper and Hidalgo 2006: 364) Service providers offered many examples of trafficked persons who experienced symptoms of PTSD after raids. One told researchers “I have one trafficking client, initially trafficked and then broke with the trafficker, and she doesn’t feel trafficked right now. Every time she sees police, even in the subway, she tries to go another way. She’s scared of them. . . . One of the symptoms she is having is, no one can knock on the door. . . . It affected her psychological side and emotional side, she’s jumping at any noise, like PTSD.”

**“I have had prosecutors shout at my clients to try to bully them into cooperating. When you’re dealing with a teenager who has been repeatedly raped and impregnated by her trafficker, this is not the way to behave humanely.”**

An attorney explained, “I think raids can be very traumatic for many reasons . . . . I do have one client who was a domestic worker and law enforcement raided the house because the trafficker was sought for involvement in terrorist-related stuff, and I remember reading the interview notes from the other attorney and reviewing with the client. [The client] was confused and scared even though she was able to meet this other attorney and it took her two days to open up to ICE.” Another said, “I have had prosecutors shout at my clients to try to bully them into cooperating. When you’re dealing with a teenager who has been repeatedly raped and impregnated by her trafficker, this is not the way to behave humanely.”

Violent or abusive law enforcement tactics during raids only exacerbate the trauma experienced by trafficked persons. According to one service provider, “The

*handcuffing of the girls and the presence of the police is triggering them ... Let the girls put clothes on. Stop using handcuffs.”* One interviewee, Jin, described being pistol-whipped by an officer in plainclothes during a raid on a brothel by local police, and knocked unconscious. She subsequently awoke to find a uniformed female officer strip searching her in front of others present to see if she had anything hidden in her underwear.

Law enforcement interventions can be traumatic even if the targets are not taken into custody. An attorney from the Northeast explained, *“Even these ... women who were not in detention ... I think the raid exacerbates the trauma. ... I will say that I think it’s very difficult for the agents, and I feel bad, they really go out of their way to be helpful and the women don’t trust them because their first introduction to them was in a raid setting.”* A service provider pointed out that the fact that women who have been trafficked are more often than not questioned by men may contribute to raid-related trauma: *“As far as raids, ... they are all conducted by men and the questioning or interrogation is also mostly done by men. In cases where we are talking about prostitution and victims are women, I think it might make a difference [to have women agents involved].”*

Trauma can manifest as an inability to cope with anything. One attorney told researchers, *“We have a client who sleeps all day. Her case manager has found a great program for her, but we can’t get her to call us. We just found out she’s about to be evicted, but we can’t help her if we don’t hear from her. She may be suffering from depression.”*

The raid itself is not the only source of trauma for the people targeted. One attorney said, *“You have a trafficked person who could come forward and fight for her rights, sitting in jail with violent offenders, and she’s a victim of a crime and has already been traumatized and she’ll be deported. Maybe she sits there for a few months and gets out after agreeing to cooperate. These aren’t good witnesses. On a human level, this should not happen to people.”*

Trauma following raids can be compounded by trafficked people being uprooted from their communities and subsequently isolated in shelters. One service provider from the West Coast reported that women rounded up in a raid were very unhappy in the shelter where they were housed afterwards. *“They didn’t really like it there. There were no other [people from their community] there. There was no case manager [who spoke their language] on site. The only people they could talk to were themselves. Throwing them into another city that they*

*are unfamiliar with is hard for the women. They were allowed to leave during the day, with bus tickets and a small amount of money, but they didn’t know anyone in the area and they were bored, they had nothing to do with their time. They had extracted the women from the parlor and put them into this foreign place and didn’t give them any of the support they needed. It’s a smokescreen. Law enforcement extracted the women for the purpose of ‘saving them’ and we are publicizing it in the media and there is no follow up or anything like that.”*

Family members are also traumatized by raids. One attorney said, *“I see a lot of trauma at the raids. When one man was taken away, he was isolated, his kids are six and seven and are terrified and their community group is trying to find counseling for the kids. They feel American and they just saw him taken away by a big man with a gun. I spoke to a social worker at a junior high school and their dad had been taken away that morning. They didn’t want to go home, their daddy’s in jail, they didn’t know where he was.”*

## **CORRUPTION, ABUSE, AND SEXUAL MISCONDUCT**

Alarmingly, some service providers and attorneys described abuses of trafficked persons by law enforcement officers involved in anti-trafficking efforts, ranging from corruption to exhibiting inappropriate behavior with victim-witnesses, to sexual harassment, to abuse. Such practices are consistent with patterns of misconduct which have been reported across the country in the context of policing sex work (Ritchie 2006; Thukral and Ditmore 2003; Thukral, Ditmore and Murphy 2005; Research for Sex Work 2005)

Local police officers are reported to be more likely to engage in such misconduct than federal anti-trafficking agents. Service providers and attorneys spoke of specific instances where police took money from trafficked people, sex workers, or both. According to one service provider, *“I’ve definitely talked to [sex workers] who are paying off the police not to arrest them or notify them when other police are coming.”* A West Coast service provider similarly reported that some managers and workers in sex industry venues pay off the police in exchange for information about pending raids and to avoid arrest, adding *“The cops that are getting paid off may be concerned about the girls and not want to arrest them and think they should not be arrested.”*

In addition to taking money or sex in exchange for leniency, sexual misconduct, theft and abuse in police custody have been reported. One health service provider told researchers, *“This was vice squad—the typical stuff that I hear is that they are having sex, they are getting blowjobs or hand jobs, then they turn around and arrest the people. They are not letting them use the bathrooms, girls that have pissed themselves. Then they steal from them. I’ve heard that from a lot of people.”*

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Service providers and attorneys described fewer instances of explicitly improper or abusive conduct in federal anti-trafficking raids. One attorney told researchers, *“There were certain allegations made during the case with 36-40 interviewees ... by the detained women that they had seen some of these officers as customers at the massage parlor and even allegations that the supervisor of the ICE unit had been a frequent customer at the massage parlor. Whether they would have panned out had they been investigated, we don’t know....”*

Another service provider reported, *“I heard from other advocates that when the investigators were doing their investigation pre-raids, some of the women had engaged with them sexually.”* Such conduct on the part of officers has impacts beyond the impropriety of law enforcement officers’ sexual interactions with individuals who are believed to have been coerced into sex work. The same service provider pointed out, *“Those women didn’t want to be interviewed by those people. Being interviewed by someone who posed as a john could be traumatizing.”*

Other attorneys and service providers discussed less explicit, but still inappropriate, levels of sexual innuendo or lack of professional boundaries between some agents and people who had been trafficked. One attorney described in detail an inappropriate relationship between federal agents and her clients. *“There is one case, involving [federal law enforcement], [where] we felt that*

*the agents were highly inappropriate with all the women. ... The relationship was just too friendly, ... there should not have been any physical touching like hugging. There was a great deal of personal contact between agents and clients, which ... should not happen. [Law enforcement] were actually flirtatious with the women.”*

Such misconduct can lead to problematic power relations between law enforcement agents and trafficked persons. An East Coast social service provider explains, *“The women went from being trafficked by abusive and domineering males to being dependent on this team of [male federal] agents. We had a meeting once where the agents told the women that they needed to dress differently, they were beautiful women but their clothes were too sexy. ... It’s a real problem ... the first afternoon on the case ... [the lead agent] made some outlandish comments. ... [The agents] were going over at sort of strange hours to visit our clients without telling us. ... This was a bad combination of boundary breaking and the paternal model.”* An attorney described a similar dynamic, *“The [law enforcement agents] positioned themselves as rescuers and saviors of these women ... They called the women directly counter to our requests, and the clients believed that the agents had their best interests at heart. ... [The agents were also engaging in] inappropriate closeness—the agents are hugging the clients hello and goodbye. I’ve never seen any other agent do this. You should not be sending weird sexual signals to them. We went to another agency that we thought had leverage. They said, ‘I can see why this makes you uncomfortable but in organized crime, we encourage the informants to rely on and have a close relationship with the agents.’ I said, ‘These aren’t informants, they are victims under the federal anti-trafficking law and should be treated as such. ... What happened is that the agents tried to use this personal relationship to overrule legal advice. ... This case is unusual and it made me realize how lucky we were that we hadn’t dealt with creepy agents before. You rely on the agents being good people, which most of them are.”* Another attorney cautions *“Agents should recognize that women who have been in very sexualized environment will see their power as sexual and it’s inappropriate for agents to play that game.”*

## HOUSING CONCERNS

It is not uncommon for people picked up during a raid to be taken to jail or detention centers and held there. Of the 7 trafficked persons and immigrant sex workers interviewed for this report who had been picked up in federal anti-trafficking raids, 2 were held in immigration

detention and 5 were housed in hotels or shelters following the raid. One other woman served several months in jail following a local police raid on the brothel into which she had been trafficked before she was recognized as a trafficking victim and moved to a shelter.

*On attorney described the scene after a raid: “They may be in detention being visited by ICE agents or they may be staying in a hotel. In [one case,] they stayed in a decommissioned military barracks. It was a detention-like atmosphere. ... In recent raids, they are staying at a [domestic violence] shelter. They’re allowed to come and go and to call their families and the government is working on getting them their temporary legal status ASAP, but they are still really unhappy. In many ways, it’s done well but the women can’t just leave, so they are unhappy. I don’t know what happens to them. I don’t think they have access to cell phones because they are potential evidence. Their private notebooks and their clothing may be potential evidence. If they’re not detained, they are held at a shelter or another place. They are in some level of custody.”*

Even when they are held in shelters rather than secure detention, service providers noted that shelter rules and the inability to earn money as they wait to obtain status as trafficked persons can prove problematic for the women. As one service provider from the Midwest put it, *“The conditions that they are living in now are worse than what they were living in beforehand, and that’s how they describe it.”* Another, in the Northeast, noted that one of her clients always referred to the shelter where she was staying as *“detention.”* A third described replication of problematic dynamics within shelters. *“One client was from Africa and she experienced racism. This was a woman who was cleaning for others in the shelter. She was still a slave, and over a few months, with counseling, she became empowered and decided not to clean anymore and some racist things were said ... the managers aren’t trained to deal with trafficking survivors. One of the biggest needs is good safe housing that is sensitive to the needs of the trafficking survivors.”*

In addition to legal services and social services, it is critical to provide safe and appropriate housing for trafficked persons picked up in raids, both in the immediate aftermath of the raid and for the longer term. As one service provider put it, *“I think there should be a safe location with someone who is culturally sensitive to their needs, evaluating whether the client wants to stay in the US or go home. If they decide to stay here, give wrap-around*

*supportive services so that if they choose to leave the industry and go into another field, they can integrate properly.”*

## DETENTION

People who do not immediately cooperate with anti-trafficking prosecutions may be sentenced to jail for prostitution offenses, placed in immigration detention, or held as material witnesses.<sup>3</sup> Two trafficked women interviewed were detained for months by law enforcement because they did not want to cooperate with law enforcement in prosecutions against their husbands. Another was sentenced to six months in jail on a prostitution conviction, despite the fact that she was subsequently identified as trafficked.

One attorney described the problem as follows, *“It’s become clear that in those situations where the government believes that a person is a victim of trafficking and the woman will insist that she’s not trafficked, it would be better to get attorneys involved more quickly to negotiate that. And because the government believes they are trafficked and they [the government] have the authority to make them material witnesses to a crime based on [some basic evidence], they have the authority to keep these women here for months. It’s caused a great deal of suffering for these women. As attorneys we have to anticipate the worst-case scenario, and if they insist they are not trafficked, the government will jail them as material witnesses. At that point they’ll be jailed instead of being put in a shelter and offered services and the opportunity to make money, which is why they are here.”* Another attorney said, *“Bad outcomes are even voluntary prostitutes sitting in immigration detention. These are people who are guilty of misdemeanors sitting in federal detention facilities.”*

A rights-based approach to trafficking would not make cooperation with prosecution efforts mandatory, or permit the detention of people who have been victimized in trafficking situations under any circumstances.

## ECONOMIC HARDSHIP

Many of those caught up in raids are migrants who came to the US to improve their economic circumstances, yet raids and law enforcement interventions often leave them in poverty of a new kind, with inadequate income and no opportunity to improve their situation due to lack of work authorization. Benefits afforded to people who

3. A material witness is a person with knowledge relevant to a criminal investigation or prosecution. If deemed uncooperative or a flight risk, a material witness may be detained without charge indefinitely to ensure their testimony.

have been trafficked are often inadequate for survival. One trafficked person reported, “We were given \$10 per week to survive” following a raid.

### **“We were given \$10 per week to survive.”**

A service provider described the hardships experienced by individuals awaiting a T visa after a raid, “We had a person that came from that bust. ... She had to do community service and was applying for the visa and had to stop working and was minding her Ps and Qs, she didn’t have any money. ... it was like she had been fired and unemployment denied her claim. There’s rarely savings and most people are living check to check so you’re not eligible for benefits and you have nothing to put on your resume. She had grandkids and court appearances and a lot of obligations and it was really hard for her, the pressure of having to not work and be an upstanding citizen to get the visa. She ended up leaving and going to [another city], she couldn’t make it here and she had family networks and court stuff happening there. I talked to her a couple of times but I haven’t kept up with her. She had to give up her car and her place. She was having trouble making phone payments.” Another service provider on the West Coast said that it was very common for people to have difficulty keeping active phones and paying other bills after experiencing a raid, making it very difficult to reach clients during their legal proceedings.

The demands of cooperation with law enforcement, including frequent meetings during the workday, contributed to economic hardship even after work authorization is obtained with the T visa. An attorney in the Northeast said, “The prosecutors assume that people will take days off once a month to meet with them. But they [victims] are working in a factory or a store and can’t just request a day off all the time. One of my clients lost their job and is having trouble finding work because she tells people up front [that she will miss days of work for her legal case].”

The financial hardship experienced after being picked up in a raid influences many decisions made by people who have been trafficked, including decisions relating to relationships and work. One service provider on the East Coast said, “Some trafficked women readily move into relationships because they are seeking someone to care for them financially. Many of these relationships become abusive and the clients are facing domestic violence as well as having been trafficked.” The same sentiments were echoed by a West Coast service provider who said, “You know that

*there are all these other things that they don’t articulate. ... The people who end up doing sex work, a lot of them don’t feel they have other choices, they are vulnerable.”*

Another West Coast service provider described the predicament faced by people caught up in raids in the following terms: “The law enforcement approach was, ‘We took you out of your environment and you should be happy and do something else.’ It’s not that simple, especially if they are making that much money. How can you settle for less? They ... have to start at the bottom and work their way up. This is hard for people.” Another provider had witnessed law enforcement agents tell people who had been trafficked although that their financial situations will change for the worse, “at least it is not prostitution,” implying that poverty was better than prostitution, despite the fact that economic need is what drives most people into sex work.

Indeed, some trafficked persons turn to sex work to survive while waiting two to three years for a T visa and work authorization, even though it will jeopardize their long term immigration status. According to one attorney, “One of our clients came to us through a case worker, but then ICE went to her house. ICE gave her CP in March 2006. We took her in for a meeting, and it turns out that they have been following her or their informant has told them that she’s working in prostitution. They got her to admit to working in prostitution and her status is up in the air. This is screwy because she has no means of making money, she can’t support three people on a regular job, she had no other opportunity. She needed the money because the last time she was arrested, she paid \$2000 bail and the person she borrowed from is threatening her for it.”

## **FAMILY REUNIFICATION**

People who had been trafficked and service providers emphasized that family reunification is a priority for trafficked people with relatives abroad who may be at risk, and especially for women with children in their native countries.

Ariana said, “It really was the fear that I didn’t have my [child] with me, the trafficker was blackmailing me and deceiving me, that’s why I stayed in it. [My child] is still with the trafficker’s family.” Josefina had left a trafficking situation with the help of a friend, but was manipulated into returning because her children were being threatened.

Family members may not only be at risk of physical danger. In trafficking situations involving debt

bondage—in which trafficked persons have an insurmountable “debt” based on the costs of their travel to the US—the debt is not recognized in the US but people who have been trafficked into debt bondage worry that their families will be extorted for large sums of money.

Tatiana said, “We were very afraid and now we’re still worried. We all still owe them a large some of money and ... we have family they can threaten them and they can threaten us.” Vida said, “I was very worried that they would demand money from my mother and I have doubts that they will in the future. ... I still think that I’m in debt, I don’t believe that the debt is over. What if they go to my mom and threaten? Then I have to pay them.” Daniela expressed the same worries. “I felt okay talking to [law enforcement after arrests] but I couldn’t tell them the truth, because [the trafficker] would tell his family to do something to my family.”

Social service providers echoed these concerns. One said, “It’s really complicated when the victim has children with the trafficker or the children are living with the traffickers’ family. Law enforcement can’t appreciate that and resign this to their investigative needs. I have quite a few cases that involve children and that’s the first concern. The women may think about getting away, but how will they get their kid away from the trafficker’s family? It’s just hard to know what is best. In one case, the person, the children are so linked to the family of the trafficker. And also, keeping them safe here is great, but no one can protect people in their hometown or has control of what goes on in the home country.” Another reported, “Others made efforts to leave but were manipulated back in, usually [because the trafficker was] using children to get back at them. There is fear of what will happen, fear of law enforcement, fear of what will happen to your family, and what will happen to your trafficker.”

## RIPPLE EFFECTS OF RAIDS

Raids not only affect those who are detained in them, but entire communities, including US citizens. Raids have ripple effects on immigrant communities and sex workers beyond those directly affected by law enforcement activity, increasing fear and driving sex work and undocumented people further underground and farther beyond reach of assistance, and making sex workers and immigrants less likely to turn to law enforcement when they experience violence or coercion.

One attorney described the effects of a raid on an Asian massage parlor on US citizens who had worked there “They came to this country through a partner, and they met people here who told them they could make money. They were citizens of the US, some were on tourist visas but most had citizenship. They were much older, 30 to 70 years old, average 40, they were not the stereotype. They had been in the business for 5 to 8 years.” The raids drove the people who worked at the massage parlor, but were not picked up, underground, where they are at increased risk of violence and are cut off from access to medical, legal and educational services. Ironically, by marginalizing sex workers who have not been trafficked and depriving them of legal protection and a relatively secure and stable working environment, raids increase the risk that they too will find themselves in coercive situations.

The generalized atmosphere of fear in immigrant and sex worker communities following a raid can also have adverse impacts on individuals seeking to leave coercive situations. Interviews conducted for this report highlighted the importance of assistance from peers in escaping from trafficking situations. Six of the women interviewed had left coercive situations with the help of coworkers. In the aftermath of a raid, peers are likely to be more fearful of assisting trafficked persons for fear of being subjected to law enforcement action themselves. Sex workers, immigrants, and trafficked persons are often the most successful at identifying victims of crime within their communities. Anti-trafficking efforts that are able to capitalize on their unique knowledge and access will be vastly more effective than those that do not. To make this possible, trafficked people who come forward—and those who assist them in coming forward—should be shielded from the threat of arrest or deportation for immigration violations, prostitution or sex work-related crimes.

Raids can also have consequences for public health. For example, police are known to use condoms as evidence of prostitution or to take the presence of large numbers of condoms as an indicator that illicit activity is taking place. One service provider reported, “The police still went in [to the illegal massage parlors] during that time [after high-profile raids]. The owners said [to me], ‘I want your business card so I can show them that we received condoms from this agency, because having them was kind of a crime.’” Any perception that law enforcement actions may be influenced by the visible presence of safe sex materials may lead business owners or sex workers to conceal or refuse such materials, with predictable



consequences for public health. Condom possession is not a crime, and public health professionals have denounced the use of condoms as evidence of prostitution.

**“‘Raid, rescue and restore’ doesn’t seem to work. With raids, you end up with it being more difficult to identify victims. I can’t imagine law enforcement doing a two-hour interview while holding someone in a hotel. It’s taken us weeks [to have a person say that she is trafficked] with someone coming to us [on their own].”**

## THE CRIMINAL JUSTICE APPROACH TO TRAFFICKING IN PERSONS IS INHERENTLY NOT VICTIM-CENTERED

*“‘Raid, rescue and restore’ doesn’t seem to work. With raids, you end up with it being more difficult to identify victims. I can’t imagine law enforcement doing a two-hour interview while holding someone in a hotel. It’s taken us weeks [to have a person say that she is trafficked] with someone coming to us [on their own].”*

Notwithstanding the US government’s recognition of the importance of a “victim-centered” approach to trafficking in persons, law enforcement interventions are inherently *not* “victim-centered.” Rather, they prioritize the interests of the criminal justice system, as consistently demonstrated by our interviews with people who had been trafficked, service providers, and law enforcement agents themselves, and by the fact that all assistance for trafficked adults is contingent upon their willingness to cooperate with prosecution efforts. As an attorney in the Northeast put it, “Sometimes we tell our clients that the government wants to help and will help you, but ultimately their interest has to do with the case, and it has to be because it’s their job to represent the US government. There will be times when their interests are different from yours. It’s our job to protect your interests and that’s why we work for you.”

A supervisor at a service organization that works with trafficked persons all over the US said, “We’re talking about victims of human rights violations and this is a fundamental problem with [some regional coalitions including law enforcement]. They say top priority is detection

*and prosecution, not a victim-centered perspective. If you just look at trafficking in persons as going after traffickers, you miss the whole point, which is to uncover and assist victims.”*

An attorney described the prosecution-focused orientation of law enforcement as an obstacle to assisting trafficked persons. “It’s not being implemented as human rights protections. I’m sick of going to DOJ conferences where they talk about a victim-centered approach. Every time it gets more law enforcement and less NGO, and the power and funding shifts have given power dramatically to law enforcement. There aren’t more cases being identified, there may be a drop in identifications.” Indeed, service providers report that the overwhelming majority of trafficked persons they work with do not come to them as a result of federal raids. In fact, a supervisor with a national organization told researchers, “Ninety percent of our cases are not from raids, not even law enforcement identified.”

## IN MOST CASES LOCAL POLICE RAIDS DO NOT LEAD TO THE IDENTIFICATION OF TRAFFICKED PERSONS

A central finding of this research study is that raids conducted by local police do not lead to the identification of trafficked persons. Only 1 of 9 trafficked people interviewed for this report who had experienced local police raids was screened as a potential victim of trafficking by local law enforcement agents. One participant reported having been arrested ten times by local police in brothel raids without ever having been identified as a trafficked person by a police officer. Her experience appears to be the rule rather than the exception: a service provider told researchers, “All of the trafficked sex workers have been arrested multiple times.” An attorney echoed these experiences “Most of my clients were not picked up in [federal anti-trafficking] raids, but many were arrested many times for prostitution—four or five times—and never identified as trafficked. I see the gap in that these are victims of trafficking and apparently police are doing raids to locate victims of trafficking. Why are these people being arrested and you are not recognizing that they are trafficked? It’s ridiculous. It’s also horrifying that victims of a serious crime are being arrested repeatedly and treated as criminals rather than victims.”

Local police typically conduct brothel raids. Although these raids may often be supported with federal anti-trafficking funding and have a stated goal of identifying victims of trafficking, experience shows that this is rarely

the outcome. Many service providers and attorneys had participated in training law enforcement on the issue of trafficking in persons. However, they reported that training local police to identify trafficked persons seemed to have little or no effect, particularly where anti-trafficking efforts focused on policing sex work. Indeed, many trafficked sex workers who are arrested during vice raids are not identified as trafficked in the aftermath of the raid, even when they were arrested by officers trained to do so, strongly suggesting that local police raids are not a useful tool for anti-trafficking efforts.

***“Why are these people being arrested and you are not recognizing that they are trafficked? It’s ridiculous. It’s also horrifying that victims of a serious crime are being arrested repeatedly and treated as criminals rather than victims.”***

It may simply be that police officers cannot overcome an institutional focus on arresting criminals rather than recognizing and assisting victims. One attorney suggests that *“local police don’t seem to have the resources or dedication to identifying trafficking victims, even when they get training and funding. Maybe it’s because they are too focused on local crime and are not specialized enough trafficking. Maybe it’s because going after prostitution is so easy and satisfies the politicians and the neighbors. But whatever it is, [local police] simply do not identify victims of trafficking unless the victim is clearly a minor. And even the minors run away from them.”* One service provider concluded, *“I don’t know if training local police is useful. . . . It would be great for the beat cops to be more sensitive, but it may not be useful. It may be more useful to change the law than to tell the police to be nicer.”* Another attorney emphatically stated that *“No amount of training to recognize trafficking will ever overcome years of training to arrest prostitutes.”*

Federal agencies seem similarly unlikely to identify victims of trafficking through raids. A service provider near the Mexican border reported that, *“There are raids all the time but we’re not getting referrals. . . . This is a fact of life around the country, not everywhere, but in many places.”*

***“No amount of training to recognize trafficking will ever overcome years of training to arrest prostitutes.”***

Victims who are not identified by police can sometimes be recognized by attorneys or service providers in the course of criminal proceedings. One court in the Northeast makes an effort to identify trafficked persons who have been arrested in raids. A service provider said, *“The police are not identifying people as trafficked, the court tries to identify people, and the court says ‘we’re not sure’ and they send them to us for an assessment. . . . Usually the police do a regular prostitution raid and maybe someone else catches it.”* Several trafficked women who were arrested numerous times and yet never screened or identified as trafficked by police or court personnel have been identified through this program. However, the failure to identify victims at the point of first contact has grave consequences. One service provider noted that *“The majority of trafficked women recognized through this program have been arrested anywhere from two to seven times before we identify them, so they are less trusting of us and of law enforcement, and therefore less likely to want to cooperate with law enforcement or even pursue services.”* She described trafficked women who simply drop out of the program after feeling overwhelmed by law enforcement and the legal system, and concluded, *“Think about it, if you’ve been forced into prostitution and very likely beaten and threatened along the way, when you’ve been arrested four times and, after the fifth time, someone finally says ‘We’re here to help you.’ In the majority of cases, it’s too late by then. They don’t trust anyone.”*

## **LAW ENFORCEMENT DO NOT CONSISTENTLY FOLLOW UP ON COOPERATION**

Under the current legal framework, in return for mandatory cooperation in the investigation and prosecution of trafficking in persons, people who are trafficked theoretically receive assistance, including support for their applications to remain in the US. Obtaining legal immigration status is often of crucial importance to trafficked persons because they may be in jeopardy in their native countries. Yet caseworkers and attorneys reported that law enforcement agents often failed to follow up with investigations or provide letters of support for continued presence (CP), one form of legal status afforded to trafficked persons.

One caseworker with a client who exhibits symptoms of post-traumatic stress disorder (PTSD) post-raid said, *“Even after all that, ICE is not signing off on her T visa. . . . She did a higher level of cooperation, putting herself in extreme danger.”* A social worker described similar

concerns, “They do everything ICE asks but ICE [in her location] still won’t give anyone CP. They aren’t getting anything out of it, not even the minimal. It’s the same as the abusive boyfriend. They jump when ICE says jump and they are waiting for the day they get rewarded.” Another service provider said, “Our agency did interviews at a hotel [after the raid]. . . . They were not arrested but taken in and extensively interviewed. That was not a positive experience—their case was just dropped for over two years and it left a bad taste in their mouths about the good intentions of law enforcement.”

Such delays and letdowns can be immensely disruptive for victims of trafficking. As one attorney described, “I think a lot of the agents and prosecutors still think that there has to be a [final] determination that someone is trafficked before they are given continued presence—but the definition is ‘likely a victim.’ We just had another case where it took them three months to decide not to give continued presence to my client. People put their lives on hold. You are taking someone who is controlled for months or years of their life, they’re not going to know how to find a job or get an apartment. They’ll be on the street. There is no other alternative but to cooperate, but they shouldn’t be forced to wait around for law enforcement to tell them they’ll get a work permit and then [law enforcement] change their minds and [that] compromises the trust.” These experiences may reflect system-wide issues. An attorney with a national organization said, “There is an institutional slowdown at the federal level on CP and T visas.”

Moreover, a trafficked person’s interest in cooperation in an investigation or prosecution does not guarantee attention from law enforcement. One attorney explained “I have clients who are desperate to meet with law enforcement. They are extremely nervous, and they want immigration status. And one agent does a really good job calming the clients. But now the agents don’t want to meet our clients. Earlier this year they were overburdened for whatever reason. Our trafficking clients were not a priority. That is slowly changing as I’ve harassed the agents.” A service provider described similar experiences, “We’ve given [law enforcement] four or five clients from the same area and the agents say ‘we believe they are victims of trafficking’ and they meet three or four times, and we’re doing this for the CP [continued presence], and then the agents say they don’t have corroborating evidence to justify their request for CP for this client. It’s frustrating because I may be losing trust with the clients, who I am encouraging to talk to law enforcement.” According to another service provider, “We’re allowing our clients to meet law

enforcement to keep up their immigration status and the very thing we didn’t want to happen has happened. And all the power is in the hands of the ICE agents. The agents are nice but there is all this politicking and we are at the mercy of the agents and the clients can be screwed at any moment at any time. I have several clients with CP but their CP will end soon and the agents say, ‘We’re not ready to give you certification for T visa so we’ll give you CP,’ and we can’t get started on her T visa. . . . I think the clients are being used and they feel that way as they are cooperating without any reward for them.”

Even where prosecutions move forward, obtaining support for trafficked persons from law enforcement is an arduous process. As one attorney put it, “There are cases where there have been prosecutions, they are still a pain. You have to chase them for the letter, and you get the court transcripts, you have secondary evidence. No one wants to put their case in the paper. I understand that they don’t want to file the T visa because they don’t want it to become public record and tip off the trafficker. This is one of the justifications for continued presence [CP]. In this case, her CP was approved six months before they gave it to her. She has serious medical conditions related to her trafficker; she had a fabulous caseworker. But it was like a bad joke. Now her CP is about to expire and we want to extend or file for the T visa.”

Even when people who have been trafficked obtain status to remain in the US, service provision is not efficient. One attorney reported, “Some of the other cases that I am working on, it took over a year for the women to be referred for any services. In that time some of them engaged in self-destructive behavior. They really could have benefited from trauma counseling and services from day one and I think that they would not have been self-destructive if they had that. I wasn’t involved until later on in the case. Part of the problem with that case was that the prosecutor and the agents involved didn’t get it. If you have a safe, happy and rested victim, they will be willing to be more helpful in the investigation or prosecution. I don’t understand why they weren’t referred for services even when they [prosecutor and agents] were told that these services were available.”

**“Law enforcement will blow off a trafficking victim who is sitting in front of them for ten imaginary victims in some brothel somewhere where they don’t even know what’s going on.”**

Over-reliance on raids to locate and identify trafficked people has proven detrimental to people who approach law enforcement on their own. One social service provider told researchers, *“I have another client who called police on her own. She was beaten very severely and went to hospital. They ignored her because the trafficker told them it was domestic violence and that she was lying. I called this detective ten times and gave up and went to the Assistant US Attorney and got results.”* In other words, as one attorney put it, *“Law enforcement will blow off a trafficking victim who is sitting in front of them for ten imaginary victims in some brothel somewhere where they don’t even know what’s going on.”* Another described the consequences of this approach as follows, *“in situations with self-referrals, referrals from hospitals or another service provider, it’s hard to get law enforcement involved. In a raid, they are already into it. It’s easier for my clients to trust law enforcement when they haven’t been handcuffed or barged in on and when they develop a relationship with law enforcement meeting with their attorney or advocate and understand the role of law enforcement prior to it going down.”*

## **MANDATORY COOPERATION WITH LAW ENFORCEMENT IS A BURDEN ON TRAFFICKED PERSONS**

Service providers and attorneys interviewed for this study emphasized the burden imposed on trafficked persons by mandatory cooperation with law enforcement. In their eagerness to secure a conviction, law enforcement agents may sometimes put testimony and cooperation ahead of the victim’s own psychological needs. For instance, one attorney described the following situation: *“There was another very young client, she’s 16, and she had cooperated extensively in meetings, with paperwork. The agents had found and freed her. But she was depressed and scared and having emotional issues, but the agents were asking for more and more and finally they wanted a signed statement and finally the client had already done this and was frustrated and didn’t want to do any more . . . And the agent threatened to renege her immigration status. He was bullying the client. . . . The agents took it personally and [were] having an ego trip.”* This case is particularly disturbing given that under US anti-trafficking law a 16-year-old is not required to cooperate with law enforcement. Nevertheless, this minor’s legal status came to depend on her remaining in the good graces of the law enforcement personnel involved in her case.

Another attorney said, *“Time and time again, there is a clash between the need to cooperate and to do things at the client’s own pace. The government makes their demands and if their demands aren’t met, we need to cut off cooperation and argue for the visa that the requests were unreasonable. All these visa applications are all marked by, say, with a negative recommendation from ICE saying that a person is no longer cooperative, and we need to address that and be prepared for it. The ones that go through easily are those that have the full support of law enforcement. . . . Our clients don’t often want to go to a lot of meetings with law enforcement or even to pursue benefits. They don’t want to go to three different offices to get a social security number and meet with the job-training guy. It’s too much for them. You have to be in a good place mentally and psychologically to take advantage of the services.”* The attorney added, *“People who are so traumatized should not have to cooperate. [The law] includes some language for exceptions for people who are too traumatized, but then you have to get a waiver, and the regulations haven’t been issued so it isn’t really operative, and you have to prove that she’s too unfit and send her to a psychological evaluation.”*

### **“People who are so traumatized should not have to cooperate.”**

Many trafficked persons are unable or reluctant to cooperate out of fear of retaliation by their trafficker. An attorney from the Northeast reports, *“Trafficking victims do not trust the agents to protect their physical safety, so they do not want to give identification information. Some people make friends with the people in the brothels. It is so complex, but law enforcement sees it as black and white and the agents have to realize that it’s complex. They need to be more sensitive and patient with the victims.”*

A truly victim-centered approach to trafficking in persons would not make cooperation with prosecution efforts mandatory under any circumstances. Cooperation would be strictly voluntary, and none of the assistance available to trafficked persons, including assistance with immigration status, would be contingent on cooperation with law enforcement.

### **Volition and victimhood**

*“On one of the raids, three of the women, two of them never saw themselves as victims of crime. The term ‘victim of trafficking’ is an obstacle. . . . They don’t want to be a certified victim.”*

Women who do not self-identify as trafficked persons, or who do not trust law enforcement and advocates

enough to tell the truth about what has happened to them, face particular challenges under the current anti-trafficking legal framework. Five women interviewed for this study did not self-identify as trafficked at the time of a trafficking-related interview with law enforcement. Notably, the only women who believed that they had been trafficked but did not admit this to law enforcement were sex workers who came into contact with law enforcement via a raid. Two participants in this study were identified as trafficked by the US government, but do not self-identify as trafficked persons, and were held in immigration detention for up to ten weeks as a result.

***“On one of the raids, three of the women, two of them never saw themselves as victims of crime. The term ‘victim of trafficking’ is an obstacle.... They don’t want to be a certified victim.”***

As one attorney explained, *“One problem is when the clients do not identify as victims. The government has devoted so many resources to these cases, they are really at wit’s end when clients don’t identify and there is the sense that the client knows more than she is sharing. But if you believe that someone is a victim, pressuring these people is a bad idea.”* Indeed, the removal of autonomy and agency is at the heart of trafficking in persons. Yet, by requiring people who have been trafficked to identify as powerless victims, current approaches to trafficking replicate this dynamic.

In one case, an attorney recounted, *“I think law enforcement had invested a lot of time and resources in investigating this alleged trafficking ring and was under a lot of pressure to find victims. We had a lot of women saying they weren’t victims and that they were working by choice and without threats or coercion. We had to work with law enforcement to evaluate whether they were saying this [that they are not victims] because the women didn’t trust us. And there were people who were not victims. Law enforcement wanted more victims than they actually had. This is an unusual situation. ... And then law enforcement threatens to revoke their CP [continued presence] unless they change their stories. The women are saying that, ‘We always told them our stories but we’re not telling them what they want to hear,’ which is that they are victims.”*

The women who were least likely to identify as trafficked persons at the time of a raid were those in relationships with or married to men who had brought them to the US or helped them out of a worse

situation. Raids were highly traumatic to these women, who were essentially forcibly removed from their relationships. In these situations, cooperation with law enforcement essentially meant divorce, mandated by the government rather than based on the woman’s choice. For example, one woman told researchers, *“In that moment [of arrest], I really loved my husband. But in that time, any money I earned I had to give to him so I didn’t benefit and it didn’t make any sense for me to continue working like that and it made more sense for me to find other work and keep the money.”* Service providers offered insight into the reasons people may not disclose their situations or self-identify as trafficked, especially in encounters with law enforcement. *“People who lie believe they are protecting their own interests. ... They may love the trafficker. They may have family that will be threatened. They may think, ‘Why would I trust you?’ A lot have been so far from a position of self-determination that it’s hard to put it all together when you don’t know what the operation is, who will get hurt in the process, you, family, traffickers, how do you know you won’t be jailed?”*

*“The women did not identify as trafficking victims, so instead of thinking that law enforcement was doing them a favor by taking out of an abusive situation, they were taking them from their partners, all their jewelry was taken, their savings from weeks of work was taken. ... There was a lot of resentment. ... We’ve struggled to know whether trying to convince our clients to work with law enforcement was in their best interests and to know whether the case was in fact trafficking. The outcomes have not been good in the sense that law enforcement and the clients do not see eye to eye. Some of the interviewing techniques used with a skeptical audience have not been well received. But for some reason the clients have hung on and continued to keep up with service providers, I think because of the service providers, not the raid itself.”*

*“[One client] was put in a detention center, and she was trafficked, but she refused help and said, ‘This is my choice.’ And I tried to explain why she should think about cooperating, but she felt that we were trying to trick her. ... I asked about her family and she asked ‘why do you want to know?’ I think she was being threatened. She was so frightened, and I think she’d rather take whatever punishment from the US government and be deported. Here she is at [a detention center] in this horrible situation and if they don’t cooperate they just get deported and re-trafficked. Who is it really helping?”*

In some instances, law enforcement use explicitly coercive measures to impose “victim” status on people

who have been trafficked. A West Coast attorney said, *“In one particular case . . . she decided she no longer wanted to cooperate and [wanted] to go back to her home country. Then law enforcement used their power to detain her as a material witness and took away her CP.”* An East Coast attorney described this same scenario across the country. *“As attorneys we have to anticipate the worst-case scenario, and if they insist they are not trafficked, the government will jail them as material witnesses. At that point they’ll be jailed. Instead of being put in a shelter, and offered services and the opportunity to make money, which is why they are here.”*

***“Here she is at [a detention center] in this horrible situation and if they don’t cooperate they just get deported and re-trafficked. Who is it really helping?”***

People who leave abusive situations on their own, as opposed to being physically removed as in a raid, operate from a position of strength. The participants in this study who approached law enforcement on their own, and the two women who were approached by law enforcement on a voluntary basis as part of an in-depth investigation rather than through a raid, were more trusting and more open to cooperating with law enforcement than those who had experienced raids. As a social service provider put it, *“There is a lot of power to deciding to leave and having someone from your culture who you know and have seen who helps you is a big difference. It’s just psychologically better. They have engaged in the self-determination that is the goal for all trafficked persons.”*

For instance, Margarita, who approached law enforcement on her own with the help of a friend told researchers, *“The government and the laws here helped me get a normal job, and I feel like my life is moving forward now, and I am happily married, and I have a baby, and I am looking forward to going to school. The baby has stopped that for now, but I am looking forward to that. I’m with a good man now, it’s really worth something that he even asked me to stop working so that I could take care of his child, totally different from the situation before.”*

An attorney explained that, *“For some who may be victims but who are not ready to say it, engaging with these benefits and moving forward, they may become ready. Even if you never have that, it’s always better to avoid sitting around in detention centers.”*

## **ASSISTANCE DEPENDS ON THE EXISTENCE OF A CRIMINAL PROCEEDING**

The prosecution-centered focus of current anti-trafficking initiatives also presents challenges to trafficked persons who come forward after their trafficker’s prosecution is complete. Obtaining assistance is much more difficult once law enforcement no longer needs victim-witnesses. While individual agents or prosecutors may be willing to hear a subsequently identified trafficking victim’s story and try to assist them, there are few agency resources available to do so. For instance, prosecutions were completed over a decade ago in one case involving trafficking into sex work in the South, but new people who were involved have recently come to light. One attorney described the situation, *“There were convictions, 15 victims were identified. Now, many, many women are coming out of the woodwork, they haven’t had services for ten years. They were trafficked as girls, some have children, some have a real need for services, but law enforcement says the case is closed. . . . The raids didn’t find all the victims. We have like ten cases. The question is, if you do a raid, you don’t get everybody, what happens to the others? Most of these were children when they were trafficked and are now in their late twenties. Their traffickers are in jail. There is no reason for law enforcement to do anything. They did their raids and got the witnesses they wanted. Many of the women are still involved in prostitution.”*

Similar issues are presented when law enforcement is unwilling or unable to pursue an investigation or prosecution. One caseworker described such a case, *“One case that I’m involved in, with an Asian minor, we tried desperately to get law enforcement involved. They were involved with him to the extent that he was a supposed terrorist threat, but as a victim of trafficking, we couldn’t get them to help because he couldn’t find his trafficker. . . . When we wanted to engage in a federal case, the agents wouldn’t help him with his legal status because they couldn’t find his trafficker, he didn’t know where he’d been held, and they weren’t sure about his truthfulness.”*

***“The question is, if you do a raid, you don’t get everybody, what happens to the others?”***

## **A FOCUS ON RAIDS DIVERTS RESOURCES**

Current anti-trafficking approaches are implemented and funded through task forces at the local level bringing together local police, FBI and ICE, along with

service providers and attorneys. Local priorities and influences determine the manner in which federal funding is spent once it has been allocated to a law enforcement agency. Many service providers perceived allocation of funds to raids to be a poor use of scarce resources that could be better spent, and a reflection of a prioritization of law enforcement agencies' interests over the identification and needs of trafficked persons.

***“Law enforcement is getting all this money for Task Forces .... These Task Forces are supposed to be doing outreach. We lost our funds for that. They aren't doing outreach, they bought high-tech surveillance toys and the client numbers are dropping.”***

According to one representative of a national organization that assists trafficked persons, *“Law enforcement is getting all this money for Task Forces .... These Task Forces are supposed to be doing outreach. We lost our funds for that. They aren't doing outreach, they bought high-tech surveillance toys and the client numbers are dropping. The money and power has shifted so we can't even get a meeting with law enforcement.”* One service provider told researchers, *“My understanding is that [local police] has a trafficking Task Force but no one feels like they are doing their job. They have the grant money but they are not using the money for the Task Force.”*

In fact, it appears that anti-trafficking resources are being used in many instances to simply boost vice operations. One attorney stated, *“I don't think there is a specific anti-trafficking unit in [our local police]. I think they got more money for more work and used it for more vice cops and they are trained on trafficking.”* Likewise, another attorney noted that, because anti-trafficking agents are working as part of the vice unit, local police only focus on trafficking into sex work, adding *“Vice is interested in doing their regular prostitution raids that they've been doing for years.”* In another instance, another service provider commented that the task force in her area focuses on sex trafficking, but very few people were identified as a result, leading the task force to question whether it would reapply for federal funds.

The same service provider expressed the opinion that public education about labor trafficking and refocused attention on such cases would represent a better use of resources, and would have generated enough cases to

make it worthwhile to maintain the task force. *“There is a lot of money in raids and it could be devoted to front-end things to address the roots of trafficking. We could put big ads on the subway and staff hotlines, using more outreach materials, educate the community in a real way, not like that Lifetime movie. It has to be real facts and things that are not sensationalized, but there seems to be a lot of wanting to sensationalize the issue and people not understanding. All of this makes it more difficult to identify it properly.”*

In addition to funding for local anti-trafficking task forces, the TVPA and TVPRA also provide funds for social services to people who have been trafficked, which are distributed by the United States Conference of Catholic Bishops (USCCB). Social service providers criticized the process for allocating funding for services and supports to survivors of trafficking. One said, *“The USCCB has an entire bureaucracy to do what three people did in HHS [Department of Health and Human Services].”* Another criticized the lack of transparency of the process by which USCCB allocated grants, calling the process a “racket.” While HHS offered block grants, USCCB allocates funds per person served, which increases administration costs according to the organization. Service providers countered that this structure imposes a greater burden on them, and is more invasive with respect to the clients. Moreover, increased administrative costs decrease resources available for the prevention and detection of trafficking in persons, and for directly meeting the needs of people who have been trafficked.

## **Conflation of trafficking and prostitution impedes anti-trafficking efforts**

As described in greater detail in the introduction, trafficking in persons and voluntary prostitution have historically been conflated in both policy and *the public imagination*. As a result, raids on sex work venues have been justified as anti-trafficking measures, but are frequently executed without the preparation necessary to produce cooperative witnesses in trafficking cases. As an attorney on the West Coast put it, *“Local law enforcement see sex work and sex trafficking as the same thing, they do premature raids.”*

Emphasis on policing of prostitution as central to anti-trafficking initiatives has led to divergent enforcement patterns across the US. On the West Coast, the attention to sex work has meant that trafficked sex workers may be granted legal status, but there is

neglect of other severe forms of trafficking. A West Coast attorney said, “Law enforcement does not really put forward the resources to prosecute non-sex trafficking. . . . Some local law enforcement districts have said ‘this is all we’ll do.’ My experience is there haven’t been other local law enforcement trafficking cases.”

When policing of sex work takes precedence over the need to provide redress for people who have been trafficked into other forms of labor, there are a number of consequences. While there may be some benefit to victims of sex trafficking, there is a corresponding neglect of victims trafficked into other industries. In some instances, it may work against people who are trafficked into sex work where law enforcement agents neglect to support applications for immigration status because they are focused on prosecution of criminalized conduct, in some cases resulting in the deportation of sex workers who may have been trafficked. As one service provider put it, “There is a trend in law enforcement that they have a moral judgment and it affects how they deal with the T visa, I know she prostituted before the fact and so she doesn’t deserve the T visa.”

**“Trafficking tends to be industries with immense labor law violations, like sweatshops and factories.”**

The popular view that trafficking is synonymous with prostitution and only affects women and children obscures the realities of trafficking. In reality, trafficking in persons takes place in many labor sectors beyond sex work. A lawyer from the Northeast described her trafficking clients, saying, “We have all kinds of trafficking cases, not just sex trafficking, and we have male clients.” One social worker described one of her cases as, “a woman who was brought by an intimate partner from Eastern Europe. He used her to do a lot of things like work under him as a super and then to refurbish a home. She clocked countless hours and thousands of dollars and he didn’t have a vast trafficking network. He’d lock her into a van all day for her to feed the meter.”

As one service provider put it, “Trafficking tends to be industries with immense labor law violations, like sweatshops and factories. . . . I did have a trafficking survivor tell me that it’s ridiculous to think of trafficking as handcuffing someone to a sewing machine. They can walk around, but be watched or linguistically isolated. I had a client who spoke Hindi and didn’t know how to ride a bus. Even if they are in an enclave, there is so much stigma about being undercover that there is no one who will talk about

it or help. They may see it as debt bondage.” They added, “Stores like [...] have factories here . . . [people are] working 6 or 7 days a week and not being paid and [...] is really popular for really cheap products. . . . Restaurants have huge problems. Lots of these places . . . where you have people being placed to work in different restaurants and not being paid or relying on tips.”

Clearly, the conflation of sex work and trafficking in anti-trafficking initiatives is detrimental to those individuals trafficked into other industries and forms of labor.

## **Emotional labor in social services**

The responsibilities of social workers and caseworkers include assistance with housing and job placement, resettlement, translation, and other services. However, their actual work extends far beyond these services, including, for example, showing people how to use public transit, assisting clients with pets and personal belongings, accompanying clients to all appointments, and assisting with family dynamics. Casework with trafficking victims typically extends deep into the personal lives of trafficked persons, and includes finding housing, clothing, employment, and addressing emotional issues, including trauma.

It has been shown that emotional labor (Hochschild 1983) or ‘caring work’ (Agustín 2003) is typically undervalued and underpaid despite the specific skills required and taxing nature of the tasks involved in caretaking. Most caseworkers for trafficked persons are overwhelmed by their caseloads, and they do not receive the supervision that is required to support them. Emotionally demanding work takes a toll on the personal lives of service providers, and typical working conditions often include long hours spent providing intensive services for people with extreme need. Working without a break on such cases inevitably leads to exhaustion, commonly known as “burnout,” resulting in a high turnover among staff. In the course of conducting research for this report, researchers witnessed nearly 100% turnover among social workers at some participating organizations.

Service providers also reported symptoms of secondary trauma, such as nightmares and stress-related physical symptoms, related to listening to the experiences of trafficked persons. Most social service agencies do not provide care or appropriate support for secondary trauma experienced by their employees, simply due to the fact that the organizations are often overwhelmed by client



needs. The needs of crucial frontline workers are simply subsumed by the urgent tasks at hand. A number of people interviewed for this report, particularly caseworkers, raised this issue, with some noting that simply discussing the issues that they face at work during the interview was therapeutic. One social service provider, from an organization handling perhaps the largest number of individuals who have been trafficked in their region, said, *“Thank you, I feel much better now. We are always so busy at work, we never have the opportunity to discuss these important issues.”* She has since left the field. Discussions of this kind are typically a key element in the supervision of social workers, but this vital activity has been neglected at many agencies.

Another social service provider illustrated the problems that providers face by describing a challenging but far from atypical case, saying, *“All the client wants to do is be dependent on you for everything. Money. It can be understandable but it’s frustrating to try to talk to someone to explain that she needs to be independent and trust herself to get what she needs, and make sure that she has the resources to move on instead of waiting for someone else to rescue her. This is a very interesting thing. I try to talk as a peer but in this case I feel like a nagging mother. I said to her, I don’t want to be your mother and I’m not your mother.”* Social workers are expected to put the needs of the client foremost, but this can often come at personal expense to the worker. One social service provider from the Northeast said that clients need *“immediate resources—she’s pre-certified but she needs this and this and a week or two will go by while I’m waiting to be reimbursed for \$50 out of my pocket.”*

Working under such high stress conditions has implications for the level and quality of service that the provider is able to offer. High rates of turnover among staff are disruptive to both the organization and its clients. Additionally, highly-stressed staff members are likely to be less able to deliver high levels of service to traumatized people in great need.

## Legal services

Attorneys assist trafficked persons with specific legal tasks, including all aspects of advocacy within the criminal justice and immigration systems and applying for visas. In addition, attorneys address family law, custody and other issues that arise for clients and their family members. The legal services offered by attorneys have clear boundaries, and thus attorneys less frequently described being exhausted by their work with trafficked

persons. Attorneys whose practices consist almost exclusively of trafficking cases reported that such cases are legally demanding, intricate and time-consuming, but the professional status and the boundaries of legal services protected legal service providers from the levels of exhaustion and burnout experienced by social service providers. Some attorneys, particularly those for whom trafficking cases are not the majority of their workload, reported that trafficking cases may be the most interesting and gratifying part of their work. This was especially true for attorneys with legal firms that accept trafficking cases as pro bono work.

## A RIGHTS-BASED APPROACH

Raids are based on an assumption that people can be readily divided into “victims” and “criminals.” Yet the overwhelming majority of immigrants to the US are neither intentional criminals nor entirely powerless victims. Most have made the choice to migrate to the US in the context of globalized economies in an effort to improve their lives and those of their families. Some are lucky enough to find work at living wages and, eventually, obtain immigration status in the US. Others end up in highly exploitative situations that meet the definition of trafficking in persons. Many wind up somewhere in between, in low-wage back breaking jobs with few labor protections and even fewer opportunities.

Many of the people picked up in anti-trafficking raids have experienced trafficking or coercion and, at the same time, may have violated some laws. They may have entered the US without inspection, be working without authorization, or be working in a criminalized sector. As a result, many of those caught up in raids do not fall into a neat victim/villain dichotomy, and therefore may not react to raids in a manner consistent with law enforcement agents’ expectations of “victims.” The current anti-immigrant climate in the US, as well as the widespread atmosphere of fear created by intensified immigration enforcement and workplace raids, may further impact trafficked persons’ subsequent interactions with law enforcement.

A law enforcement based approach to trafficking in persons prioritizes criminal justice proceedings over the needs and rights of people who have been trafficked. The primary goal is to punish traffickers and immediately remove trafficked persons from harm. There may be a secondary purpose of referring people whose rights have been violated to shelter and services. But the interests of the criminal justice system often predominate

over those who it is purportedly to protect, and assistance to people who have been subject to their abuses is conditional on cooperation with law enforcement. Moreover, approaches that rely primarily on raids and other violent law enforcement interventions have resulted in practices that may violate the rights of people who have been trafficked, including use of excessive force, harassment and abuse, interrogation without an attorney present, and detention of trafficked persons.

A rights-based and “victim-centered” approach would prioritize the rights, needs, healing, and agency of survivors of trafficking over criminal proceedings. It would put the needs of the people anti-trafficking initiatives are intended to protect first, by adopting approaches that recognize, center, and address the realities and experiences of trafficked people, respecting and protecting the rights of trafficked persons and their communities in investigations and criminal proceedings, facilitating immediate and unconditional access to services and support, eliminating the use of threats of deportation to coerce cooperation, providing housing that does not feel like a detention center, and allowing trafficked persons to remain connected to their friends and family members during criminal proceedings.

## A BETTER MODEL

Six of the women interviewed for this report who self-identified as trafficked left trafficking situations without the involvement of law enforcement. The women who left on their own subsequently approached law enforcement on their own behalf, and cooperated in the prosecution of their traffickers.

Service provider interviews strongly suggest that women who leave coercive situations on their own, with the help of a friend, coworker, or community member had far more positive outcomes and were more prepared to cooperate in prosecutions. An attorney in the Northeast told researchers, *“I would say anecdotally, based on my case load, that those who haven’t been in raids do tend to adjust better. They have more autonomy about what’s involved with working with law enforcement. We decide when to report to law enforcement, someone’s accompanying them from the beginning, they have an idea and are prepared, they are never detained or misidentified. Even though they are really scared, they are almost always willing to talk to law enforcement, and I have them meet with the counselor before taking steps to have that interview.”*

Another on the West Coast said, *“I think they turn out to be better self-advocates. There is reluctance to share privileged information, but they’ve already taken the emotional and mental first step of that they need help and seeking the help.”*

A third in the Mid-Atlantic region commented, *“For the clients who haven’t been involved in raids, overall, it’s a little less difficult to build rapport and gain trust because they haven’t been traumatized by this experience. Even though later they end up working with law enforcement, we would have explained who everyone is and what everyone’s goals are. Any sort of law enforcement involvement can be traumatic for clients so anyway for an advocate to explain what happens eases things. Raids in general are bad.”* According to a social service provider, *“People who were not involved in raids are scared of law enforcement but they are much more open to law enforcement and more trusting. That’s not 100 percent. They are still nervous for all the obvious reasons. They are better able to cooperate. They’ve processed some of the damage and they don’t have the damage of the raid. They decided on their own to leave, they weren’t forced to leave and sometimes people aren’t ready to leave.”* In the words of another, *“The raid is a bad experience. These people [who had left on their own] left and had a plan, even if it was ‘I’m running around the corner and will talk to the first person.’”*

These experiences do not appear to be uncommon—in fact, service providers reported that the majority of trafficked persons who accessed their services were not identified as a result of raids. One supervisor with a national organization said, *“Ninety percent of our cases are not from raids, not even law enforcement identified.”* They suggest that a different approach to locating and identifying trafficked persons, one based on meeting the needs, protecting the rights, and supporting the self-determination of trafficked persons, may prove to be a more effective response to trafficking in persons.

Such an approach could be led and implemented by people familiar with sex work and other sectors where trafficking is prevalent, such as domestic work, agricultural labor, and service sectors; individuals who have experienced trafficking; social service providers; and immigrant rights advocates. Women interviewed for this report described being helped by people they knew, including clients and coworkers, who recognized that they were in coercive situations and stepped in to offer help. Because they left trafficking situations in a non-coercive fashion, avoiding the trauma associated with a law enforcement raid, they were more prepared to

cooperate with law enforcement in the prosecution of their traffickers. Ultimately, an approach that recognizes and supports the rights, agency and self-determination of trafficked persons is likely to produce better outcomes for trafficking survivors.

***“The raid is a bad experience. These people [who had left on their own] left and had a plan, even if it was ‘I’m running around the corner and will talk to the first person.’”***

Service provider interviews strongly supported such an approach. One attorney in the Northeast said, *“Many more resources should be put into community outreach, educating people in immigrant communities. The people who leave on their own, they are often helped by others in the brothels [where they work]. The customers are the best identifiers of traffickers, or [their coworkers say] ‘I’m going to let you out 15 minutes early before your boyfriend gets here, and here’s some cash.’ People rely on their communities.”* A service provider in the Northeast said, *“We get [our clients] from [other service agencies], from the women referring each other. The clients become very good screeners.”* Another in the Mid-Atlantic region, shared this experience, *“Most of our trafficking clients were not part of a raid. They come to us from other service providers or churches or ethnic community groups.”*

An attorney in a major city said, *“While it’s difficult [for a trafficked person to leave on her own], it’s not impossible and that’s a problem with the imagery of the chained girls in brothels. It makes people think the only way you can help them is calling the police. They are going to get their nails done, there are opportunities. The truth is they are terrified, but there are opportunities.”*

One service provider recommended using a community-based approach to sex work: *“What would be good is if we could get a committee of people that start meeting and you facilitate that with funding so that the massage parlor workers are involved in the process. They could tell you about what to do about what ... It starts with the community. Maybe it starts with interviewing massage parlor workers about what they need.”*

***“Many more resources should be put into community outreach, educating people in immigrant communities. The people who leave on their own, they are often***

***helped by others in the brothels [where they work]. The customers are the best identifiers of traffickers, or [their coworkers say] ‘I’m going to let you out 15 minutes early before your boyfriend gets here, and here’s some cash.’ People rely on their communities.”***

In the interim, as alternate community-based approaches to trafficking in persons are developed, better outcomes can be achieved by moving away from raids as a primary anti-trafficking tool and increasing the role of organizations working with trafficked persons. One instance of cooperation between NGOs and law enforcement in from a city that seems to have eschewed raids, was described as follows *“What’s happening is that the NGOs are discovering cases and bringing them to law enforcement. ... The NGO-law enforcement relationship in [this city] is very strong. We regularly go to the detention center. We are called by ICE to go interview people who may be trafficked.”* An attorney on the West Coast who works with law enforcement, and particularly ICE, encourages ICE not to pursue deportation of potentially trafficked people referred to them by NGOs by making it clear that this particular organization will not refer clients to law enforcement otherwise.

*“As far as raids, they shouldn’t happen, they don’t help, they don’t find trafficking victims in raids, and it doesn’t help people in sex work generally. ... How you arrest victims and make them be on your side is beyond me.”*

## CONCLUSIONS

The best outcomes for trafficked persons often do not arise from law enforcement actions. Although federal anti-trafficking raids have been implemented as part of a concentrated effort to identify and assist trafficked persons, such raids appear to have extremely mixed results in terms of effectively achieving these goals. It is also clear that local police raids that focus on prostitution venues are not at all effective in identifying trafficked persons, and can result in violations of the human rights of trafficked persons and sex workers alike. Moreover, conflation of trafficking and sex work diverts anti-trafficking resources away from trafficking in other labor sectors, including domestic work, agricultural labor, and service sectors, with no accompanying increase in the identification of trafficked

persons. A significant number of trafficked persons are able to leave coercive situations without being subjected to the trauma of a law enforcement raid, with the help of a variety of actors, including friends and contacts in their communities, coworkers, clients, and other sex workers. This number could be further increased through initiatives aimed at increasing awareness of the benefits and services available to survivors of trafficking and at supporting immigrant communities, workers' rights advocates, and sex workers in the identification of trafficked persons.

### **A LAW ENFORCEMENT CENTERED APPROACH IS INHERENTLY NOT "VICTIM-CENTERED"**

A law enforcement based approach to trafficking in persons prioritizes criminal justice proceedings over the needs and rights of people who have been trafficked. It has led to practices that violate the rights of people who have been trafficked, including use of excessive force, harassment and abuse, interrogation without an attorney present, and detention of trafficked persons. A rights-based and "victim-centered" approach would prioritize the rights, needs, healing, and agency of survivors of trafficking over criminal proceedings.

### **A RIGHTS-BASED APPROACH IS CRITICAL TO THE FULL RECOVERY OF TRAFFICKED PERSONS**

People who have been trafficked have lived through incredible hardship, abuse, and violations of their human rights. Current law enforcement approaches often sacrifice their wellbeing in favor of prioritizing criminal justice proceedings. Even trafficked persons who were ultimately removed from coercive situations by a raid spoke of being frightened, confined, and sometimes even bullied by law enforcement. It is critical that anti-trafficking measures put the needs of the people they are intended to protect first, by adopting approaches that recognize, center, and address the realities and experiences of trafficked people, respecting and protecting the rights of trafficked persons and their communities in investigations and criminal proceedings, facilitating immediate access to services and support, eliminating the use of threats of deportation to coerce cooperation, providing housing that does not feel like a detention center, and allowing trafficked persons to remain connected to their friends and family members during criminal proceedings.

### **IN MOST CASES LOCAL POLICE RAIDS DO NOT LEAD TO THE IDENTIFICATION OF TRAFFICKED PERSONS**

Seven of the trafficked women and 2 of the sex workers who did not identify as trafficked were arrested by local law enforcement at least once for prostitution. The number of arrests experienced by participants ranged from 1 to 10. Yet only one participant was ever screened for trafficking by local police, despite the existence of local task forces receiving federal funds to address trafficking.

The fact that 9 individuals subsequently identified as trafficked who participated in this study were repeatedly arrested rather than protected highlights the failure of approaches that subsume and conflate anti-trafficking initiatives with policing and punishment of prostitution. Presumptions that all immigrant sex workers have been trafficked, and that sex workers who have not been trafficked must be punished, have led to the disproportionate allocation of anti-trafficking resources to local vice raids targeting prostitution venues. For the most part, such raids have not led to the identification of trafficked persons. Rather, in many instances, they have led to violations of the rights of trafficked persons and sex workers alike, and detention and punishment of the very people anti-trafficking initiatives are intended to protect. Moreover, these arrests alienated women from law enforcement, bolstering fears of US government agents instilled in them by traffickers, thereby making them less likely to come forward and identify themselves as trafficked or access services that would increase their self-sufficiency and decrease their vulnerability to abuse and coercion.

### **IN-DEPTH INVESTIGATIONS MAY BE MORE EFFECTIVE IN COMBATING TRAFFICKING**

Current anti-trafficking measures rely heavily on law enforcement raids of sex industry venues and the homes of immigrants to the US. However, interviews with law enforcement personnel, social service providers, attorneys, and trafficked persons demonstrate that raids are often accompanied by intimidation, verbal abuse, use of excessive force, sexual harassment, and abuse, and create high levels of fear among trafficked people, thereby impeding rather than facilitating evidence gathering for prosecutions. Indeed, raids often lead to the detention and deportation of trafficked persons who were afraid

to come forward or who were not believed by law enforcement when they did, thereby removing key witnesses and terrorizing others into silence.

Where law enforcement has engaged in substantial investigation prior to approaching potential witnesses on a voluntary basis, trafficked persons are often more willing to cooperate with law enforcement, in part because they have not been subjected to the trauma of a raid. Based on the results of this study, it appears that detailed and in-depth federal investigations aimed at obtaining solid information about the existence of coercion or the involvement of minors in a range of labor sectors have been more successful at identifying trafficked persons than raids indiscriminately targeting sex work venues and immigrant communities, and are less likely to result in violations of the rights of the very people anti-trafficking efforts are intended to protect. Federal anti-trafficking raids should be an intervention of last resort.

### **LEGAL AND SOCIAL SERVICES SHOULD BE MADE IMMEDIATELY AVAILABLE TO PEOPLE PICKED UP IN ANTI-TRAFFICKING RAIDS**

Immediate and unconditional provision of legal and social services to people detained in anti-trafficking, vice, and immigration raids is essential to facilitating the recovery of trafficked persons and facilitating their journey to self-sufficiency. To some degree, immediate access to legal and social services can also mitigate the trauma of raids and detention, and therefore increase the chances that people who have been trafficked will come forward. Immediate service provision requires that service providers be notified in advance that a raid will be conducted.

### **FAMILY REUNIFICATION IS A CRITICAL FACTOR**

People whose children are not in the care of trusted relatives or who are in another country are especially vulnerable to threats and manipulation by traffickers. Children and other family members who may be at substantial risk of retaliation after a trafficked person leaves a coercive situation or cooperates with law enforcement require protection. Anti-trafficking efforts must ensure that effective protection is provided to both trafficked persons who come forward and their family members, and should prioritize and facilitate family

reunification if desired by individuals who have been trafficked.

### **LACK OF LEGAL MIGRATION OPTIONS RENDERS MIGRANT WORKERS VULNERABLE TO TRAFFICKING**

Inability to gain lawful entry into the United States due to restrictive immigration policies renders migrants seeking employment opportunities far more vulnerable to trafficking. Once in the US, trafficked persons' lack of immigration status is often used by traffickers as a further instrument of coercion, made all the more powerful by anti-immigrant sentiment and policies, which deter trafficked persons from seeking help from law enforcement. Ironically, anti-trafficking and vice raids play directly into these dynamics by confirming traffickers' threats that police are more likely to arrest and deport trafficked persons than to help them. Efforts to address the root causes and circumstances that facilitate trafficking, such as the economic impacts of globalization and the lack of opportunities for legal migration, are essential to the success of anti-trafficking initiatives.

## **RECOMMENDATIONS**

### **Recommendations for the government**

While there have been some successes, current US anti-trafficking policy is flawed in a number of ways. Anti-trafficking initiatives need to not only identify and hold traffickers accountable—the primary focus of current approaches—but also to fully respect and protect the persons, property and rights of people who have been trafficked. Above all, policy and practice must be designed and implemented so as to ensure that the process of combating trafficking does not itself lead to further violations of the human rights of trafficked persons.

### **WE RECOMMEND THAT THE US GOVERNMENT:**

*Increase opportunities for legal migration to the US*  
Restricted opportunities for legal migration create circumstances which increase vulnerability to trafficking and abusive labor conditions for migrants. Increased and intensified—and often abusive—immigration enforcement only strengthens the power of traffickers

and unscrupulous employers over trafficked persons and immigrant workers. The threat of arrest and deportation not only serves as an additional weapon in the arsenal of traffickers and employers, it also strongly deters trafficked persons and immigrant workers from seeking help or protecting their rights.

*Ensure unconditional access to services and assistance to trafficked persons*

**Rescind the requirement that trafficked persons cooperate with law enforcement**

Currently, trafficked persons' access to services, benefits, and immigration status is conditional on cooperation with law enforcement investigations and prosecutions of their traffickers. This mandatory condition denies benefits to trafficked persons fearful of cooperating due to risk of retaliation against themselves or their families, as well as to individuals whose traffickers are not investigated or prosecuted by law enforcement, and trafficking survivors identified after their trafficker has already been prosecuted. It also transfers power over trafficked persons from traffickers to law enforcement agents, in whose sole discretion trafficking survivors' futures often lie. Removing the requirement that trafficking survivors cooperate with law enforcement in order to access benefits, services, and immigration status would center the rights, needs, agency, and self-determination of trafficking survivors, which ultimately would have the added benefit of increasing the likelihood of effective cooperation with law enforcement.

*Increase funding and eliminate conditions on federal funding to service providers*

The US government offers funding to organizations providing legal and social services to trafficked persons on condition that they agree to abide by certain conditions. Denying funds to organizations that are unwilling to sign on to the administration's mandatory anti-prostitution position has harmed anti-trafficking efforts and deprived people who have been trafficked of services and assistance by denying resources to organizations that are highly effective in combating trafficking and assisting trafficking survivors as part of a larger program of advocating for the rights of individuals working in the sex trades.

The needs of people who have been trafficked are best served by redirecting resources from expensive and resource-intensive law enforcement methods toward rights-based initiatives which prioritize the healing, empowerment, and self-sufficiency of trafficked persons.

Funding for services meeting the immediate needs of trafficking survivors such as housing and benefits is particularly critical.

Service providers who have successfully assisted trafficked persons, immigrants and sex workers regularly receive referrals from former clients. Some providers report that a large percentage of the individuals they help came to them through such referrals, rather than through law enforcement. Such referrals demonstrate the long-term value of an approach that offers assistance, services and support without focusing on the priorities of the criminal justice system. Government resource allocation should reflect this and prioritize services over high-visibility but more expensive and often counter-productive tactics such as raids.

*Allocate funds to organizations empowering immigrant communities and workers in informal economies*

People and organizations in immigrant communities are often keenly aware of trafficking issues, and are well-placed to identify, contact and assist victims. Similarly, individuals working in informal economies—sex work, day labor, sweatshops, etc.—have unique access to, and opportunities to recognize and assist, victims of trafficking. The opportunity to collaborate with these uniquely placed and knowledgeable groups is lost if their members are themselves under constant threat of arrest or deportation.

*Vigorously enforce labor laws*

Trafficking tends to occur in industries where labor violations are endemic, as well as in industries for which labor protections are limited such as domestic work and agricultural labor. Trafficking often implicates violations of labor laws through wage and hour violations, withholding wages, non-payment of minimum wage, and debt bondage. Expanded coverage and heightened and widespread enforcement of labor laws is one promising alternative approach to trafficking in persons which would have the added benefit of increased workplace protections for all workers.

*Prioritize family reunification for trafficked persons*

Fear for the safety of family members living abroad, especially children, discourages trafficked persons from speaking out about their situations. In many cases, trafficked persons have declined to come forward based on such fears. Family reunification should be facilitated and expedited in order to increase the safety

and security of trafficked persons, their children and family members.

***Train immigration officials, judges, public defenders and prosecutors to identify trafficked persons***

So long as there remains a substantial likelihood that trafficked persons will be arrested or subject to immigration and deportation proceedings, it is essential that all players in the immigration and criminal justice systems receive training that will better enable them to identify trafficked persons and facilitate their access to programs designed to assist them.

## **Recommendations for law enforcement agencies**

### **WE RECOMMEND THAT LAW ENFORCEMENT AGENCIES:**

***Prioritize in-depth investigations and voluntary cooperation***

Not only are raids potentially dangerous and intensely traumatic for those involved, but they do not guarantee, and may often discourage, the cooperation of witnesses. They also frequently do not lead to the identification of trafficking victims, but rather to their arrest or deportation.

The information gathered for this report suggests that in-depth investigations which prioritize the rights, safety, needs, and voluntary participation of trafficked persons are more effective in identifying trafficking situations and victims, and should be prioritized over aggressive action such as raids. Such investigations are most critical where trafficked persons are held in isolated locations where they may be unable to access the support of co-workers and community members to leave coercive situations. Law enforcement agencies should cooperate closely with service providers to ensure trafficking survivors identified through such investigations immediate access to victim-advocates and social services. Protection for trafficked persons, as well as their family members and property, must be prioritized in law enforcement investigations. Raids should only be used as an option of last resort, and must respect and protect the rights of trafficked persons.

***Ensure that people with knowledge of trafficking situations are able to come forward without fear of arrest or removal***

Sex workers, immigrants, and trafficked persons are often the most successful at identifying victims of crime within their communities. Anti-trafficking efforts that are able to capitalize on their unique knowledge and access will be vastly more effective than those that do not. To make this possible, trafficked people who come forward—and those who assist them in coming forward—should be shielded from the threat of arrest or deportation for immigration violations, prostitution or sex work-related crimes.

***Recognize that vice raids are not effective anti-trafficking measures***

Experience has shown that the police and the criminal justice system are not effective in identifying and aiding victims of trafficking: in a number of cases, trafficked sex workers have been arrested multiple times without ever being identified as victims of trafficking. Training to recognize trafficking has not overcome the practice of arresting people in certain sectors, especially sex workers. Raids, arrest and detention have proven ineffective when it comes to giving trafficking victims access to the assistance and services they need.

***Follow through on necessary paperwork to facilitate legal status for trafficked persons***

Failure to complete documentation needed by trafficked persons in order to access services, benefits, and immigration status jeopardizes current cases that depend on the cooperation of the victim. Delays in providing necessary certification to individuals who have already cooperated with law enforcement feed and perpetuate distrust of law enforcement, potentially jeopardizing future cases.

***Work with attorneys, advocates and service providers to ensure the best outcome for trafficked persons***

Law enforcement agencies must work together with attorneys, advocates and service providers to ensure the best outcome for victims of trafficking. This is not only indispensable in order to guarantee the rights of victims, but it has proven to be in the long-term interest of anti-trafficking initiatives. The most effective prosecutions of traffickers have all involved attorneys and advocates working on behalf of trafficked persons at the earliest opportunity.

## Recommendations for social service organizations and providers

in addition to being therapeutic, they also give supervisors an opportunity to supervise and follow cases.

### WE RECOMMEND THAT SOCIAL SERVICE ORGANIZATIONS AND PROVIDERS:

#### *Maintain a non-judgmental attitude*

Providers are most successful at connecting with and providing appropriate services to people who have been trafficked when they are able to maintain a non-judgmental attitude. This is of paramount importance in cases that involve coercion into criminalized or otherwise stigmatized activity, such as sex work. One service provider emphasized the importance of recognizing both migrant rights and sex worker rights in light of the complexities and nuances of individual women's situations: some *"women do choose to come here [to engage in sex work] and send money to their families"* and it's important to *"recognize the choices they've made,"* while at the same time recognizing that trafficking can exist *"even if people know that they are going to be in prostitution and then [they experience] extreme coercion."*

#### *Provide respectful and appropriate services*

Ensure that services are offered in the language of the trafficked person's choice, and in a manner that fully respects, supports, and addresses their religious, cultural, spiritual, family and dietary choices, customs, practices and needs. Plan service provision in such a way as to be flexible and responsive to a diversity of needs and concerns rather than around a monolithic presumed experience.

#### *Acknowledge the demands made upon caseworkers*

Working with victims of trafficking is intensely stressful. Organizations should recognize this and take appropriate measures, including making time for staff discussions about the challenges presented by work. They should also offer support for caseworkers and other staff who request it, for those who exhibit symptoms of secondary trauma, and for those who may be at risk for secondary trauma.

#### *Supervise and support service providers*

Organizations should arrange for supervision of service providers through weekly hour-long sessions with a certified social worker (CSW), during which providers can both strategize around their clients' needs and process their own emotional reactions to their clients' experiences. Such sessions can also serve administrative functions: in



## Immigration raids in the US

Workplace raids are increasingly being used as a tool of immigration enforcement in the US, and are often accompanied by violations of the civil and human rights of immigrants and their families. ICE's "Operation Endgame," launched in 2003, targets migrants seeking economic opportunity and employment in the US for detention and deportation through increased workplace immigration raids that have led to mass detention and deportations. (NNIRR 2008: 4, 5, 6, 65, 67, 68, 69, 70, 71, 72, 73, 74) Intensified use of immigration raids has contributed significantly to the numbers of people held in detention in the US: according to the DOJ, immigrants held on civil immigration violations are among the fastest growing populations in state and federal prisons. (NNIRR 2008: 12)

Global economic conditions drive migrants to seek better opportunities in the US in an effort to support their families at home. Indeed, there has been a more than 50% surge in bank-handled remittances to Latin America from the US since 2004 according to Dow Jones' "Marketwatch" (Naamani-Goldman 2006.) Recent trade agreements have not significantly changed the economic conditions that drive migration. (Witness for Peace 2008; Uchitelle 2007) In fact, mounting economic pressure resulting from the North American Free Trade Agreement (NAFTA) continues to push people across the southern border of US, despite the fact that "Raids by Immigration and Customs Enforcement (ICE) are now rounding up thousands—more than at any other time—separating families and deporting people back to the same conditions that they were forced to leave in the first place." (Witness for Peace 2008)

The National Network for Immigrant and Refugee Rights (NNIRR) has documented widespread abuses during large-scale workplace raids including assault (2008: 29-30), sexual assault and rape (2008: 72) and murder (2008: 30). In addition, physical abuse has been documented in raids involving smaller numbers of agents entering a home without permission. (2008: 43).

Racial profiling in the context of immigration raids and enforcement is also reported to be prevalent. For example, one man interviewed by National Public Radio described being arrested at a bus stop after a man asked him if he spoke English. When he said no, he was arrested. (National Public Radio, July 13, 2007) In coordinated raids conducted across the Midwestern US

in late 2006, a number of the people detained and even deported were US citizens who were Latino/a. (NNIRR 2008; Iowa Coalition Against Sexual Assault and the Iowa Coalition Against Domestic Violence 2006; Molloy 2007) Such practices extend to immigration raids targeting sex work venues. Meyer (2006) describes a case involving 42 Korean women picked up during raids on massage parlors in Texas. Although only one person was convicted of any offense, the government declared this case a victory. However, a number of people in debt bondage, a distinct and well-recognized form of trafficking, were deported, notwithstanding their status as trafficked persons. Similar raids targeted Korean women working in massage parlors along the East Coast, although in these instances, immigration agents attempted to distinguish which women "were involuntarily part of the ring that forced some women into prostitution to pay off tens of thousands of dollars in fees for being smuggled into the United States." (Lengel 2006)

Some discern a pattern of abuse intended to deny immigrants any recourse in the execution of immigration raids. Molloy (2007) quotes American Civil Liberties Union (ACLU) attorney Laura Rotolo as saying, "I believe that [ICE] conducts these raids in a way that people are purposefully unable to exercise their rights. ... They transfer people across the country before they can speak to anybody, and then when they are given a bond hearing in Texas, asking to be released before trial, they must prove they are not a flight risk and that they have ties to the community. Of course they have no ties to the community in Texas." A federal judge agreed, and ruled that substantial evidence showed "a significant number of violations of critical provisions of the injunction dealing with detainees' access to legal materials, telephone use and attorney visits." (The National Immigration Law Center, ACLU of Southern California, and ACLU Immigrants' Rights Project 2007) Violations of due process were also alleged during a June 2007 raid in New Haven Connecticut, in which 32 Latino men were arrested. (National Public Radio, July 13, 2007)

Children of immigrants suffer considerable hardship when immigration raids are conducted, despite the fact that they themselves are not typically rounded up. In some cases, parents, even both parents, of small children were detained, as were parents of children with health problems. The NNIRR documents family separation and the subsequent problems faced by children left behind in the US after the deportation of

a parent. (2008: 4, 6, 9, 10, 16, 22, 32, 64, 66, 67, 69, 70, 71, 72, 73) The Iowa Coalition Against Domestic Violence and the Iowa Coalition Against Sexual Assault documented denial of due process and denial of legal counsel, including the separation of a breast-feeding mother from her child (ICASA and ICADV 2006). This is not unique to the Midwest: a lawsuit was filed in December 2006 in Connecticut alleging similar treatment of people there (Pedulla 2006). In the aftermath of a Massachusetts immigration raid, a breastfeeding child separated from its mother was hospitalized for dehydration. (Molloy 2007)

Raids have proven so problematic that some localities have passed resolutions against them. In June 2007, New York City Council passed a resolution (New York City Council Res. No. 842-A) “urging the United States Congress to end federal raids to deport undocumented immigrants and institute comprehensive immigration reform that protects the fundamental civil liberties of immigrants and integrates immigrants fully into American society.” This largely symbolic resolution has had little effect: in November 2007, the *New York Daily News* reported that “On Oct. 14, along Roosevelt Ave. in Jackson Heights, Queens, more than 100 immigrants were arrested as part of a criminal investigation led by the NYPD, of document falsifiers. Yet only 41 were charged. The others were innocent bystanders, called ‘collateral arrests’ by ICE.” The article continued, “Home raids also are on the rise. Witnesses tell of armed ICE agents who, seeking out people with orders of deportation or minor criminal records, ‘storm into homes without warrants, interrogate people, conduct unauthorized searches and take parents away from frightened children.’ People who happen to be in those homes, even if they have no orders of deportation or criminal records, also are arrested.” (Ruiz, 2007) Immigration raids conducted in New Haven, a mere two days after the city passed a measure allowing immigrants to obtain identification, have used similar tactics. Jessica Mayorga, spokeswoman for New Haven Mayor John DeStefano Jr., was subsequently quoted saying, “We feel that this is too much to be a coincidence; this is a retaliation.” (NNIRR 2008: 5)

**While immigration raids are not the focus of this report, SWP strongly supports the efforts of immigrants’ rights groups across the US to stop the use of workplace and home raids and to advocate in favor of far-reaching immigration reform.**

**Interview protocol for immigrants, including trafficked persons and sex workers**

**Informed Consent**

You do not have to speak about anything you do not want to talk about and you are not required to answer any questions. You can stop at any time. There is no penalty and I will not be upset or uncomfortable—I understand that you are sharing very personal information and I appreciate your willingness to discuss even a small part of your experience with government interactions.

This report is intended to highlight the differences in outcomes between situations in which people are removed from trafficking situations in raids by the government and when they leave without police intervention of this particular sort.

Subject of a Raid \_\_\_\_\_  
 Detained \_\_\_\_\_  
 Trafficked \_\_\_\_\_

**Questions**

You've been involved with [NAME OF REFERRING AGENCY] regarding a legal situation/situation where you were involved with law enforcement. I don't need to know any details about situation itself. I'm more interested in how you left and what happened after that.

Do you identify as having been trafficked? [EXPLAIN CONCEPT OF COERCED LABOR OF SOME SORT.]

Did law enforcement ever think you were trafficked, or identify you as trafficked? Please tell me about this.

[FOR THOSE WHO WERE NOT IDENTIFIED OR SELF-IDENTIFIED AS TRAFFICKED, GO TO INVOLVEMENT/COOPERATION WITH LAW ENFORCEMENT]

If you identify as trafficked, or if the government/law enforcement identified you as trafficked: how did you leave your situation with the traffickers? Please tell me about this.

PROMPTS:

Were the local police involved?

Were immigration agents involved?

[INTERVIEWEE MAY NOT KNOW THE DIFFERENCE BETWEEN LOCAL PD AND ICE AS THIS IS OFTEN CONFUSING—CAN BE PROMPTED RE WHETHER IMMIGRATION WAS MENTIONED DURING EVENTS]

IF LAW ENFORCEMENT WAS NOT INVOLVED IN THE LEAVING OF THE TRAFFICKING SITUATION: HOW DID YOU LEAVE YOUR SITUATION WITH THE TRAFFICKERS? PLEASE TELL US WHAT HAPPENED/HOW YOU WERE ABLE TO LEAVE.

How did you feel when you left your trafficker, (or when you realized that the situation was over)?

[FOR THOSE WHO WERE NOT SUBJECT TO A RAID, GO TO INVOLVEMENT/COOPERATION WITH LAW ENFORCEMENT]

IF LAW ENFORCEMENT WAS INVOLVED IN THE LEAVING OF THE TRAFFICKING SITUATION:

How many agents/police came to get you/pick you up?

Where were you when the police/immigration picked you up?

How did you feel when they picked you up?

PROMPTS:

Happy

Relieved

Scared

Confused

Angry

Unsure

Where did they take you?

Were you arrested?

What happened in the 24 hours after the arrest?

Were you placed in detention/jail?

If it was not a jail, did it feel like a jail?

Were you released to leave on your own?

Were you placed in a shelter or hotel? If so, which one?

Were you able to call your family? If so, when were you able to call them?

In the weeks following your arrest:

How long were you in jail/at the place where you were kept by the government?

Were you able to call your family?

Were you worried about money?

Were you able to come and go as you pleased?

Were you able to work?

How did you feel about leaving your situation this way?

Tell me about police/immigration behavior. [prompt if there are any indications of misconduct, especially police misconduct, particularly sexual situations]

How did the police/immigration treat you?

Do any officers stand out in your memory? Why?

What did they want from you?

If you were involved in a raid, where were you staying a week after the raid?

[IF WAS IN JAIL] How did you feel about being in jail?

Please tell me about detention/jail.

PROMPTS:

How were you treated?

Did you eat?

Did you feel safe?

Did you feel threatened?

How and by whom?

Were you able to call your family?

Were you worried about money?

Were you interviewed by law enforcement while in detention/jail? If so, how many times?

How long were you there?

## **INVOLVEMENT/COOPERATION WITH LAW ENFORCEMENT**

IF NOT SUBJECT OF A RAID, first ask: Please tell me how you got involved with law enforcement.

If you cooperated with law enforcement, please tell me how you began to consider cooperating with them.

## **FOR ALL INTERVIEWS:**

While law enforcement was interviewing you, did anyone make you feel scared or uncomfortable, or make you feel safe? Please explain.

Did you have an attorney or advocate with you during your interviews?

Looking back on it, what was good about the way you left your situation? If you did not leave a situation that was trafficking/harmful, what was good about your interaction with law enforcement?

Looking back on it, what was bad about the way you left your situation? If you did not leave a situation that was trafficking/harmful, what was bad about your interaction with law enforcement?

## **ASK ALL INTERVIEWEES—THEY WILL SELF-IDENTIFY AS TO WHETHER THESE QUESTIONS ARE RELEVANT:**

What would have been a better way to help you leave your situation?

Were there things that others in your own community/the general society/your family could have done to help you leave your trafficking situation on your own?

What kind of specific help would have been useful to you?

What would you change to improve this process for helping others to leave this situation?

Looking back at it now, how do you feel about being taken out of the trafficking situation by law enforcement? Was it worth it, even if you were not happy at the time?

Is there anything else you would like to tell me?  
Or ask?

## Personal Information

Sex:

Age/Year born:

Age of entry into sex work:

Months/Years Involved in Prostitution:

Involved in Prostitution in Home Country:

Race/Ethnicity:

Can you tell me how much school you have completed? (Circle One)

0-8 years

9-11 years

High school (grad/General Equivalency Diploma)

12+ (some college, no degree)

College grad, degree earned:

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Where born:

Native language:

State where you were arrested/made contact with law enforcement:

Months/Years in USA: (Current Immigration status):

Months/Years in USA When Arrested:  
(Immigration status):

How entered US (got papers on my own/assisted migration/smuggling/trafficked):

## Interview protocol for attorneys and social service providers

The purpose of this report is to compare and contrast outcomes of raids with outcomes from cases in which raids did not figure both in terms of their mental and physical health as well as their willingness to cooperate with law enforcement. These could be vice raids, immigration raids, and anti-trafficking raids. Your experience offers crucial information necessary to evaluate the outcomes as they are linked to the process of discovery.

### Background

Please tell me how you became involved in the raids or the cases stemming from them, and other trafficking cases.

How many raids have you and/or your clients been involved in or part of?

In what capacity were you and they involved? I realize this may be more than one raid—please be as clear as possible about each one.

Are these immigration, vice or specific anti-trafficking task force raids?

### What happened during the raid?

What did your clients say happened?

What did you witness?

Please tell me everything you can remember.

Please tell me everything you have pieced together, and how you have pieced this together.

What were your feelings about the law enforcement agents involved? Were there sexual situations involved? [This is a way of getting at ‘were there sexual situations?]

Do you clients have specific comments about what happened during the raids that would affect the outcomes?

### What were the outcomes? (good and bad)

Please contrast the raids to situations with people who were not involved with raids.

What were the good outcomes?

What were bad outcomes?

What made these outcomes good or bad?

(This will lead to more questions, based on the answers. Like “Why is not wanting to cooperate a bad outcome?” and “Why is cooperating a good outcome?”)

### What do you recommend for better outcomes?

How can this be done better?

Contrast to situations with people who were not involved with raids.

**Interview protocol for law enforcement agents**

The purpose of this report is to compare and contrast outcomes of cases involving raids, with outcomes from cases in which raids did not figure. Our goal is to investigate impact on victims/witnesses, in terms of their mental and physical health, and their willingness to cooperate with law enforcement. These could be vice raids, immigration raids, and anti-trafficking raids.

Your experience offers crucial information necessary to evaluate the outcomes as they impact the victims/witnesses, as well as the investigations and prosecutions against traffickers.

**Background**

Please tell me how you became involved in the raids or the cases stemming from them. Please also tell us about your involvement in other trafficking cases that did not involve some sort of raid.

How many raids have you been involved in or part of (either directly or indirectly)?

In what capacity were you and they involved? I realize this may be more than one raid – please be as clear as possible about each one.

**Affiliation:**

- PD \_\_\_\_\_
- FBI \_\_\_\_\_
- ICE \_\_\_\_\_
- DOJ \_\_\_\_\_

**What happened during the raid?**

What is the procedure leading up to a raid? How do you/your agency decide where, when and why to conduct a raid?

What happens in a raid? How does it work?

What is your role?

What is the procedure with people rounded up? Is there a protocol? How do you decide whom to arrest and whom to release? How do you know who is an immigrant?

How do you determine who is trafficked? What do you do with people you determine are trafficked? What do you do with the people who aren't trafficked?

**What were the outcomes? (Positive and Negative)**

What were the positive outcomes?

What were negative outcomes?

What made these outcomes positive or negative?

**What do you recommend for more positive outcomes?**

How can investigations for trafficking cases be done better, either including raids as a tool, or not including them?

Based on your experience, are raids effective to combat trafficking and to assist people?

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